

Exhibit D to the Complaint.

**U.S. Patent No. 8,671,195 v. Activision Publishing, Inc.
Claims 1, 7, 9, 17, 19**

Exhibit D to the Complaint.

1. Claim Chart

Claim	Analysis
<p>[1.P] A digital media communication protocol, comprising:</p>	<p>Activision Publishing, Inc. (“Company”) makes, uses, sells and/or offers to sell a digital media communication protocol.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the Company provides Call of Duty: Modern Warfare III, an internet-based game featuring Voice Chat. Voice Chat enables players to communicate with their friends through a wireless connection. Furthermore, Voice Chat includes a Voice Chat Moderation feature, wherein voice chats are sent to the Activision server via a wireless internet connection (“digital media communication protocol”).</p>  <p>Source: https://www.callofduty.com/</p>

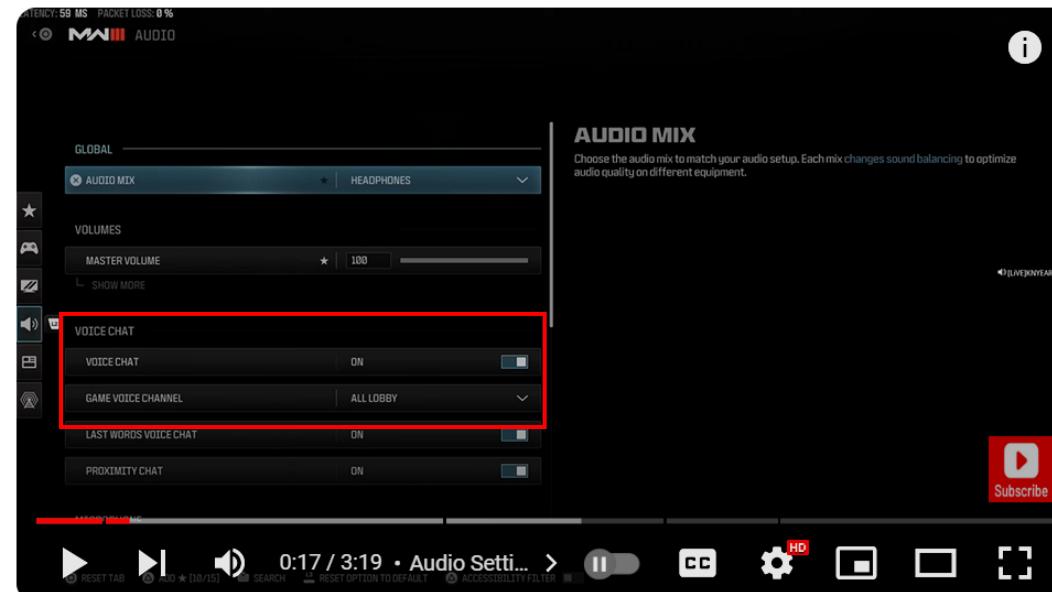
Exhibit D to the Complaint.

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

All specifications below require a broadband internet connection and DirectX 12 compatibility.

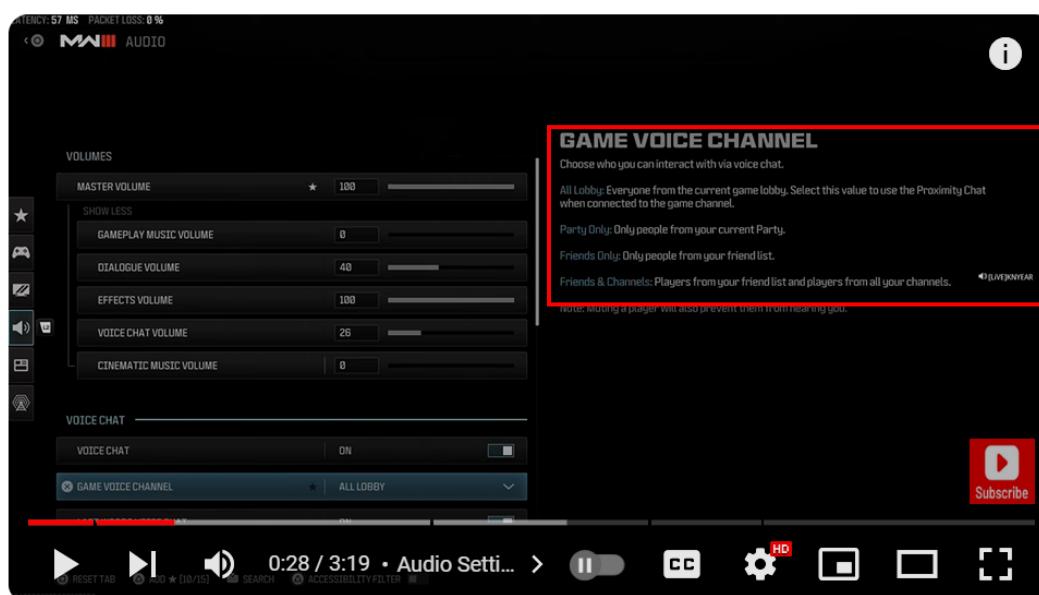
Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: <https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii>



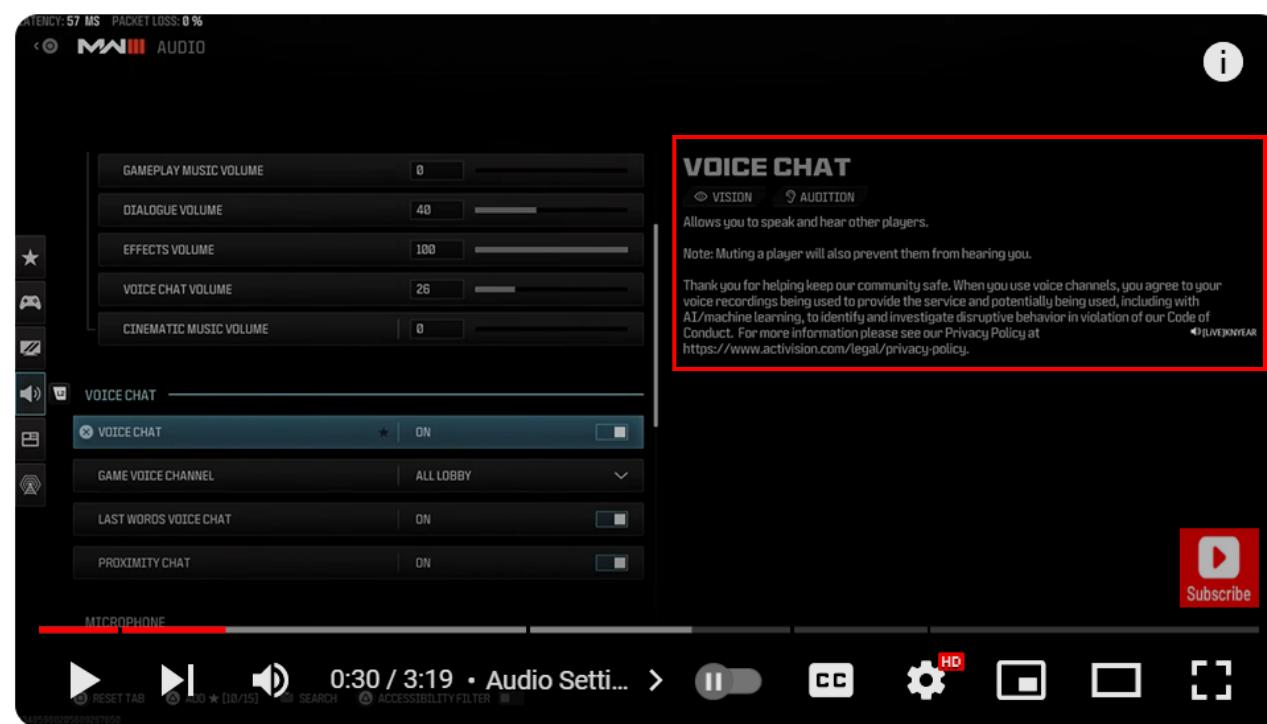
Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:17

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:28

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Exhibit D to the Complaint.

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

1. Why has Call of Duty added voice chat moderation?

Call of Duty®'s new voice moderation protects players by proactively identifying toxic behavior and enforcing the *Call of Duty* Code of Conduct, allowing our community to focus on the fun.

Player reporting is still valuable and available in game for players to communicate instances of toxic or disruptive behavior they may encounter; however, voice chat moderation will increase our ability to identify and enforce against bad behavior that has gone unreported.

Source: <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>

Exhibit D to the Complaint.

	<p>⌚ 2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <u>Code of Conduct</u>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: https://support.activision.com/articles/call-of-duty-voice-chat-moderation</p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans</u> that <u>many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[1.1] at least one media terminal disposed in an accessible relation to at least one interactive	<p>Company makes, uses, sells and/or offers to sell at least one media terminal disposed in an accessible relation to at least one interactive computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, Call of Duty: Modern Warfare is accessible on both PCs and laptops, with the game installed on the player's PC or laptop ("media terminal"). Players engage in communication with one another through the Voice Chat feature. When a player utilizes Voice Chat, their voice chats are transmitted from their PC or laptop to the Activision</p>

Exhibit D to the Complaint.

computer network,	<p>server via a wireless internet connection (“interactive computer network”). Given that players need to connect to a wireless internet connection for both playing the game and engaging in voice chat communication, it is apparent that the player’s PC or laptop maintains an accessible relationship with the interactive computer network.</p> <p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner’s manual if you are unsure about your PC’s specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: (annotated)</p>
-------------------	---

media terminal

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

interactive
computer
network

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii> (annotated)

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Exhibit D to the Complaint.

	<p>Source: https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[1.2] a wireless range structured to permit authorized access to said at least one interactive computer network,	<p>Company makes, uses, sells and/or offers to sell a wireless range structured to permit authorized access to said at least one interactive computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop logs in to the router using its login credentials ("authorized access") for establishing wireless connection to the wireless internet ("interactive computer network"). As wireless routers inherently possess a specified range, therefore, it is apparent to a person having ordinary skill in the art that a wireless range is structured to permit authorized access to at least one interactive computer network.</p> <div style="border: 2px solid red; padding: 5px;"> <p>If you're having trouble connecting to <i>Call of Duty: Modern Warfare III</i>, you should first check <u>Call of Duty: Modern Warfare III Server Status</u>.</p> </div> <p>If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.</p> <p>However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.</p> <div style="background-color: #ADD8E6; border: 1px solid black; padding: 10px; margin-top: 20px;"> <p>We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.</p> </div>

Exhibit D to the Complaint.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Call of Duty is taking the next leap forward in its commitment to combat toxic and disruptive behavior with in-game voice chat moderation beginning with the launch of *Call of Duty®: Modern Warfare® III* this November 10th. Activision will team with Modulate to deliver global real-time voice chat moderation, at-scale, starting with this fall's upcoming Call of Duty blockbuster.

Call of Duty's new voice chat moderation system utilizes ToxMod, the AI-Powered voice chat moderation technology from Modulate, to identify in real-time and enforce against toxic speech—including hate speech, discriminatory language, harassment and more. This new development will bolster the ongoing moderation systems led by the Call of Duty anti-toxicity team, which includes text-based filtering across 14 languages for in-game text (chat and usernames) as well as a robust in-game player reporting system.

Source: <https://www.callofduty.com/blog/2023/08/call-of-duty-modern-warfare-warzone-anti-toxicity-progress-report>

Exhibit D to the Complaint.

	<p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans</u> that many <i>Call of Duty</i> players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[1.3] at least one media node disposable within said wireless range, wherein said at least one media node is detectable by said at least one media terminal,	<p>Company makes, uses, sells and/or offers to sell at least one media node disposable within said wireless range, wherein said at least one media node is detectable by said at least one media terminal.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player establishes a connection to the wireless internet by logging into local wireless router. Subsequently, during gameplay, the player's PC or laptop ("media terminal") transmits voice chats to the Activision server ("media node") through the established wireless connection. Given that wireless routers have a defined range and the player's PC or laptop connects to it before initiating an internet connection, it follows that the player's PC or laptop communicates with the Activision server. Therefore, upon information and belief, the server is disposed within said wireless range and it is detectable by the player's PC or laptop.</p>

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [**Call of Duty: Modern Warfare III Server Status**](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

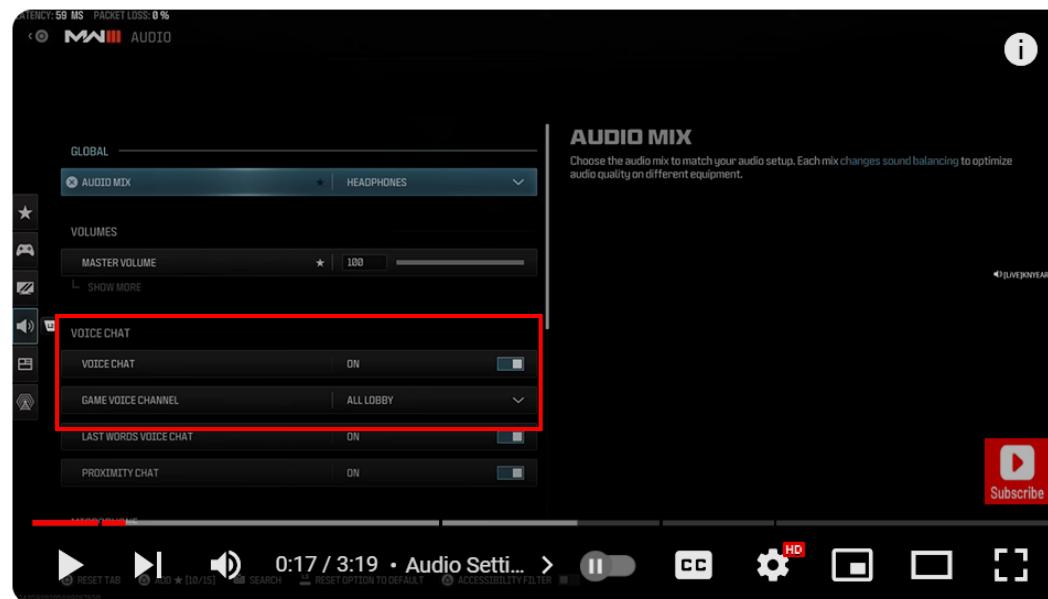
Exhibit D to the Complaint.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:17

Exhibit D to the Complaint.

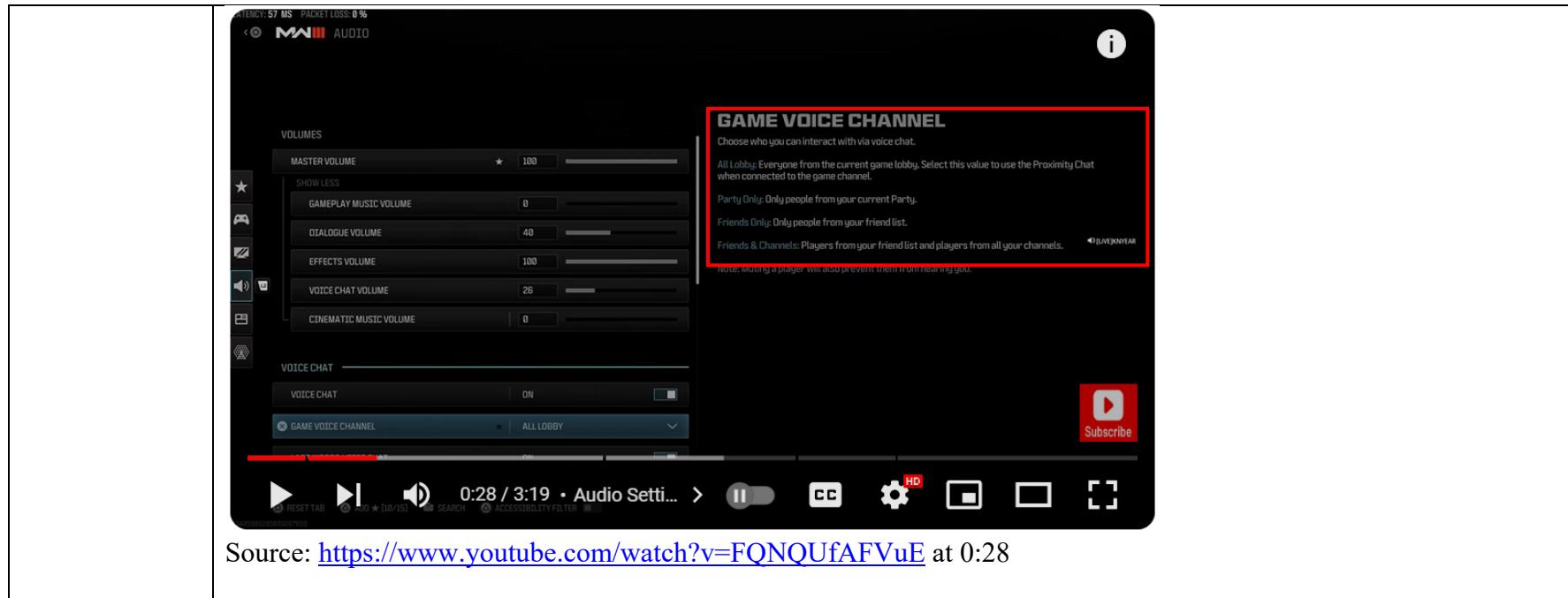
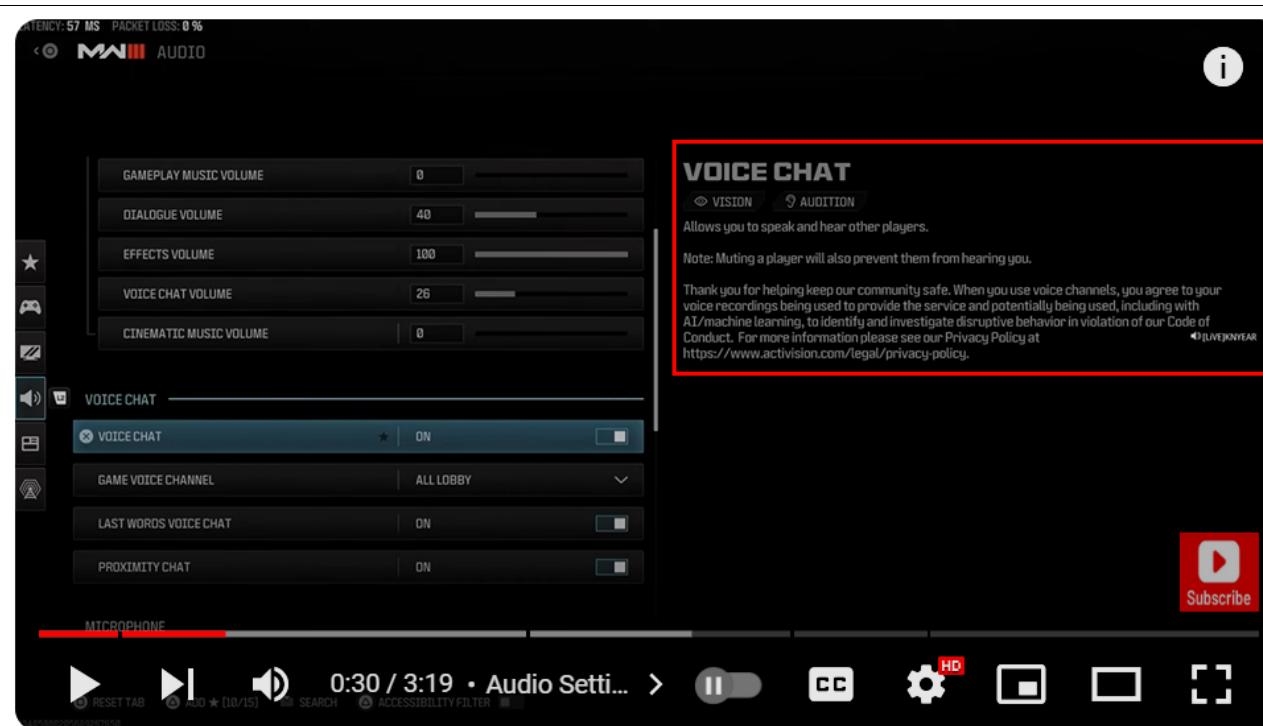


Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

[1.4] at least one digital media file initially disposed on at least one of said at least one media terminal or said at least one media node disposed within said wireless range.

This element is infringed literally, or in the alternative, under the doctrine of equivalents.

For example, the player's PC or laptop ("media terminal") sends voice chats ("digital media file") to the server ("media node") through the wireless connection. Therefore, upon information and belief, the digital media file is initially disposed on the sender's platform ("media terminal"). It would be apparent to a person of ordinary skill in the art that

Exhibit D to the Complaint.

<p>one media node, said at least one media terminal being structured to detect said at least one media node disposed within said wireless range,</p>	<p>the sender's platform ("media terminal") is structured to detect at least one media node located within the wireless range.</p> <p>⌚ 2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. <u>Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <u>Code of Conduct</u>.</u></p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: https://support.activision.com/articles/call-of-duty-voice-chat-moderation</p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</p>
--	---

Exhibit D to the Complaint.

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

All specifications below require a broadband internet connection and DirectX 12 compatibility.

Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: [https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-\(annotated\)](https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-(annotated))

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.

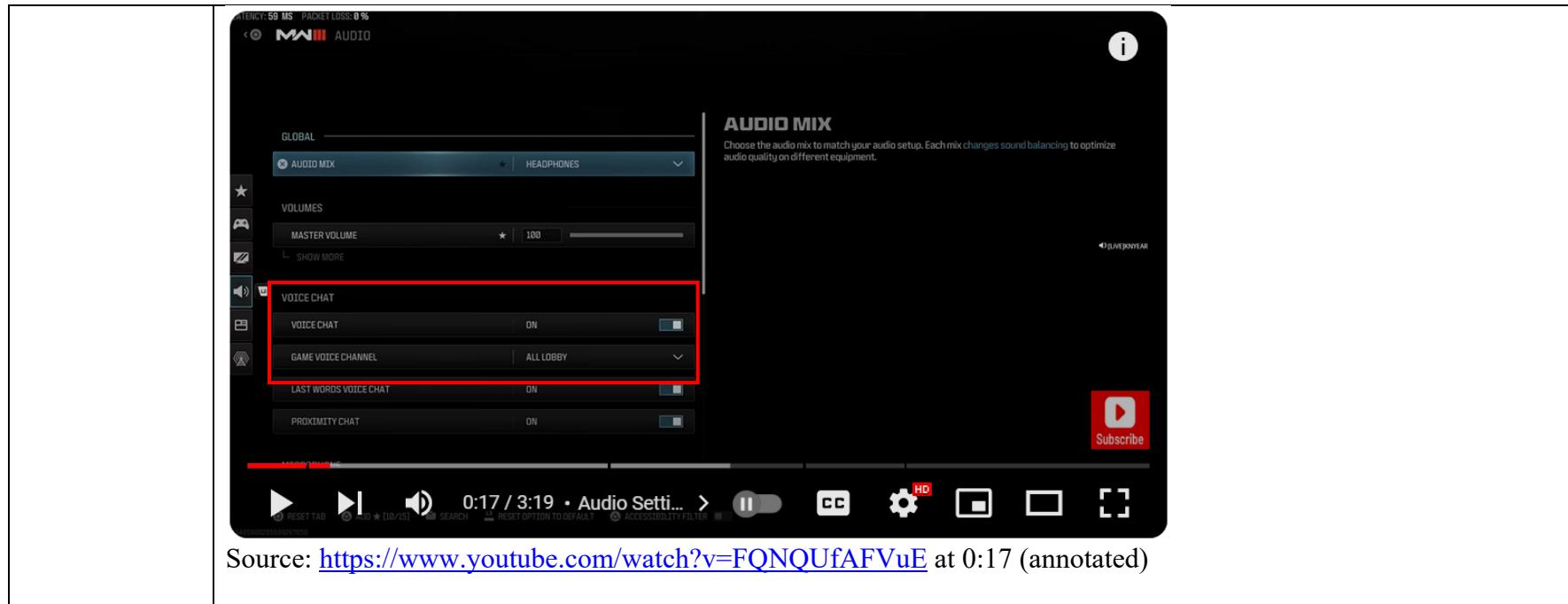
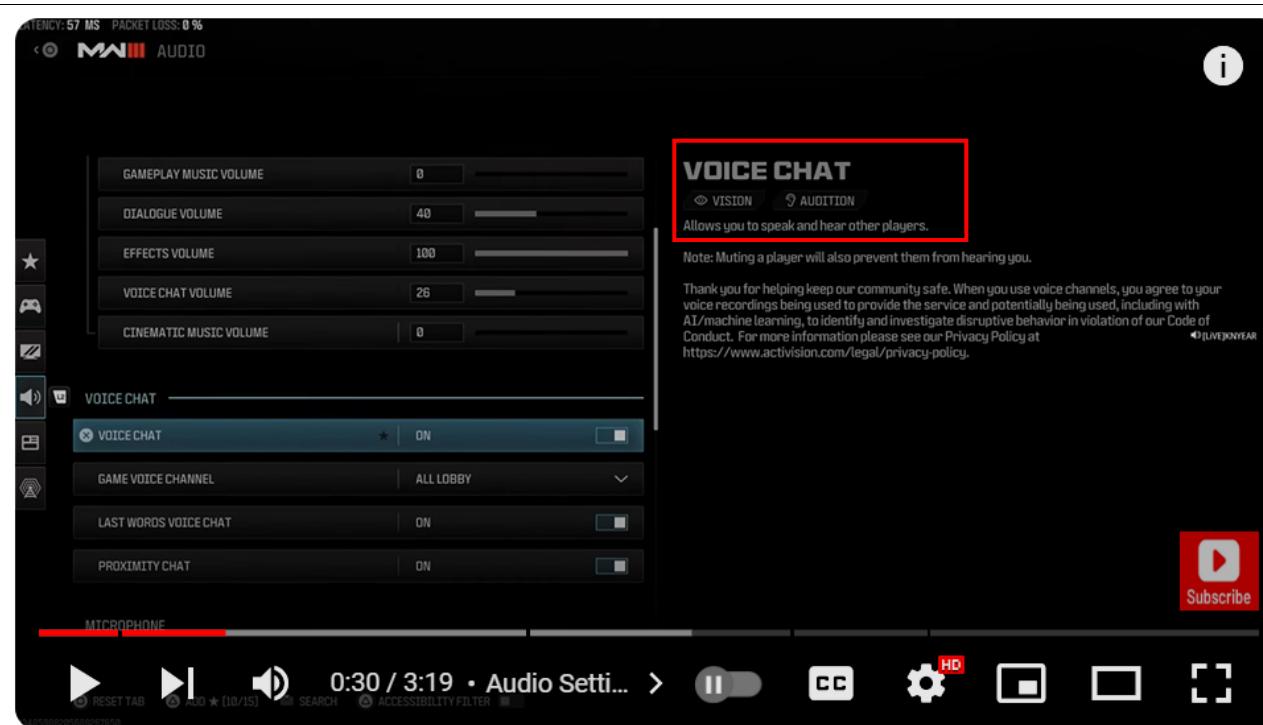
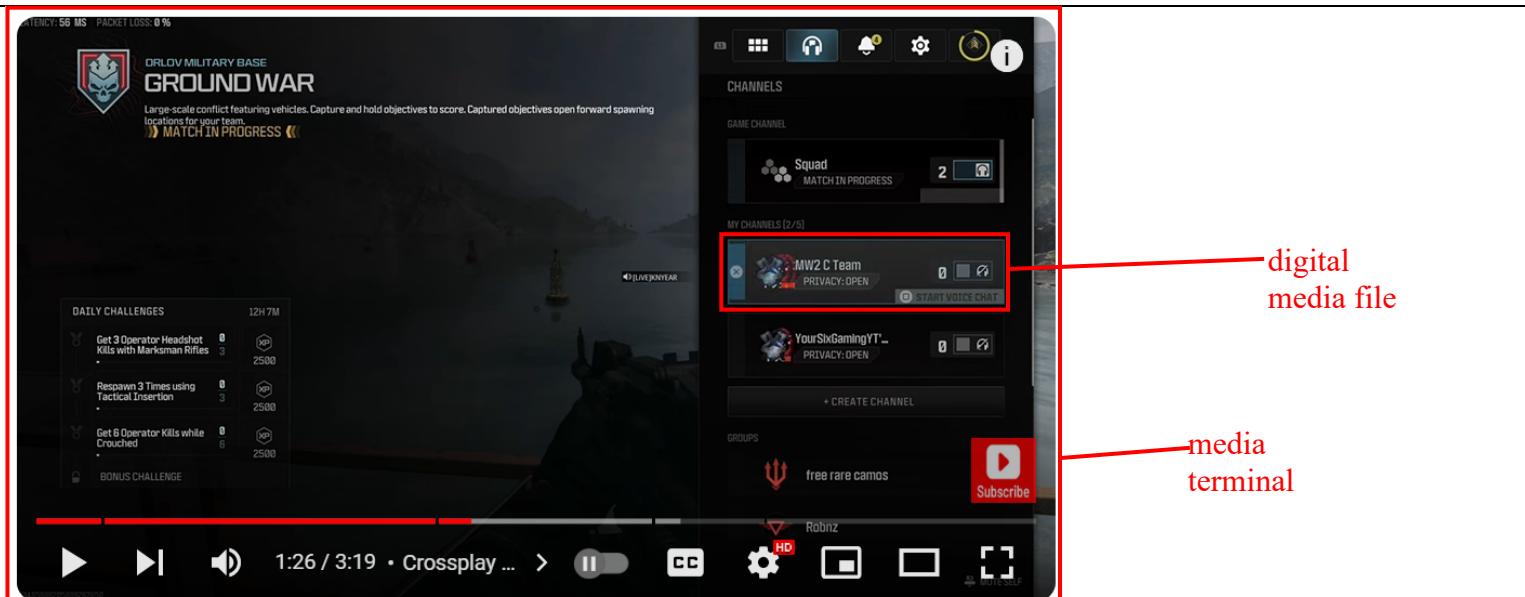


Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30 (annotated)

Exhibit D to the Complaint.

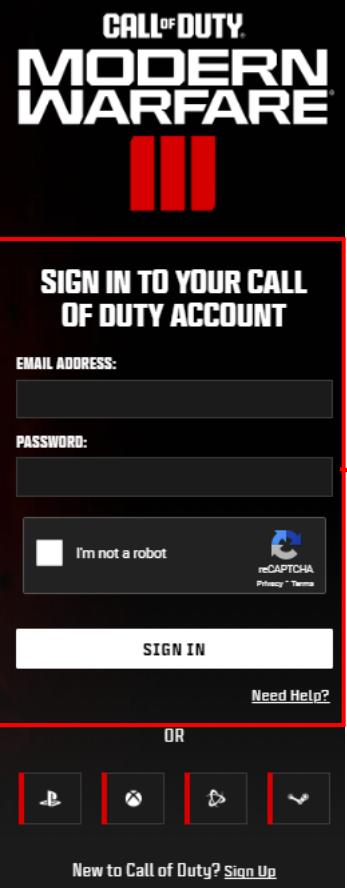


Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

<p>[1.5] a communication link structured to dispose said at least one media terminal and said at least one media node in a communicative relation with</p>	<p>Company makes, uses, sells and/or offers to sell a communication link structured to dispose said at least one media terminal and said at least one media node in a communicative relation with one another via said at least one interactive computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, once connected to the wireless internet, the player initiates the login process to their Activision account using their PC or laptop ("media terminal"). This involves entering login credentials such as email and password through the wireless connection ("one interactive computer network"). Consequently, this procedure establishes a communication channel ("a communication link structured to dispose") between the player's PC or laptop and the Activision server ("media node").</p>
--	--

Exhibit D to the Complaint.

one another via said at least one interactive computer network,	 <p>The image shows the sign-in page for the Call of Duty: Modern Warfare III game. The page has a black background with white text. At the top, it says "CALL OF DUTY. MODERN WARFARE III". Below that is a red-bordered box containing the text "SIGN IN TO YOUR CALL OF DUTY ACCOUNT". Inside this box are fields for "EMAIL ADDRESS" and "PASSWORD", each with a corresponding input field. Below the password field is a reCAPTCHA checkbox labeled "I'm not a robot". A red arrow points from this text to the "reCAPTCHA" area. Below the input fields is a "SIGN IN" button and a "Need Help?" link. Underneath the sign-in section is a "OR" button, followed by four social media icons: PlayStation, Xbox, Facebook, and Twitter. At the bottom, there is a link "New to Call of Duty? Sign Up".</p>
---	---

Source:
<https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt>
(annotated)

Exhibit D to the Complaint.

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

media
terminal

All specifications below require a broadband internet connection and DirectX 12 compatibility.

Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: [https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-\(annotated\)](https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-(annotated))

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

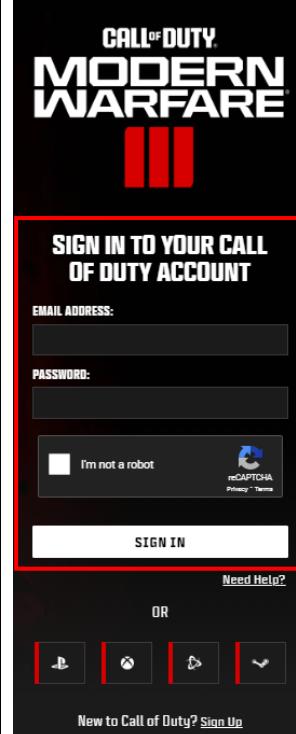
Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

One can only hope that the ToxMod rollout is successful and doesn't result in unfair bans that many *Call of Duty* players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.

Source: <https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/>

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

Exhibit D to the Complaint.

<p>[1.6] said communication link being initiated by said at least one media terminal,</p>	<p>Company makes, uses, sells and/or offers to sell said communication link being initiated by said at least one media terminal.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop initiates login process by inputting the login credentials such as email and password. This process established the communication channel between the player's PC or laptop and the server.</p>  <p>SIGN IN TO YOUR CALL OF DUTY ACCOUNT</p> <p>EMAIL ADDRESS: <input type="text"/></p> <p>PASSWORD: <input type="password"/></p> <p><input type="checkbox"/> I'm not a robot <small>mCaptcha</small></p> <p>SIGN IN</p> <p><small>Need Help?</small></p> <p>OR</p> <p><small>New to Call of Duty? Sign Up</small></p>
---	---

Source:

<https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt>
(annotated)

Exhibit D to the Complaint.

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

media terminal

All specifications below require a broadband internet connection and DirectX 12 compatibility.

Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: [https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-\(annotated\)](https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-(annotated))

Exhibit D to the Complaint.

	<p>If you're having trouble connecting to <i>Call of Duty: Modern Warfare III</i>, you should first check <u>Call of Duty: Modern Warfare III Server Status</u>.</p> <p>If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.</p> <p>However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.</p> <div style="background-color: #0072BD; color: white; padding: 10px; border-radius: 5px;"> <p>We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.</p> </div> <p>Source: https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[1.7] said at least one media node and said at least one media terminal being structured to transmit said at least one digital media file	<p>Company makes, uses, sells and/or offers to said at least one media node and said at least one media terminal being structured to transmit said at least one digital media file therebetween via said communication link.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, in Voice Chat Moderation feature, the player's PC or laptop ("media terminal") utilizes the established communication channel to send ("transmit") voice chats ("digital media file") to the server ("media node").</p>

Exhibit D to the Complaint.

therebetween
via
said
communication
link, and

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

media
terminal

All specifications below require a broadband internet connection and DirectX 12 compatibility.

Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: [https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii
\(annotated\)](https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-(annotated))

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.

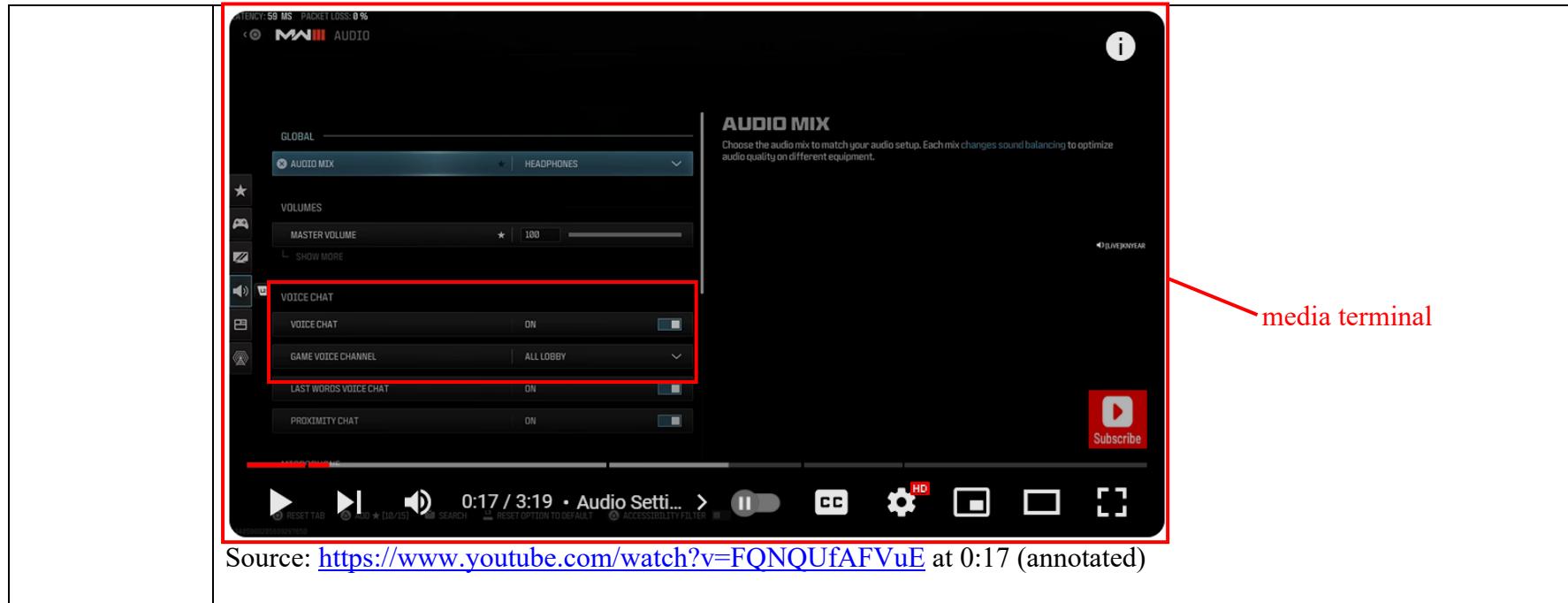


Exhibit D to the Complaint.

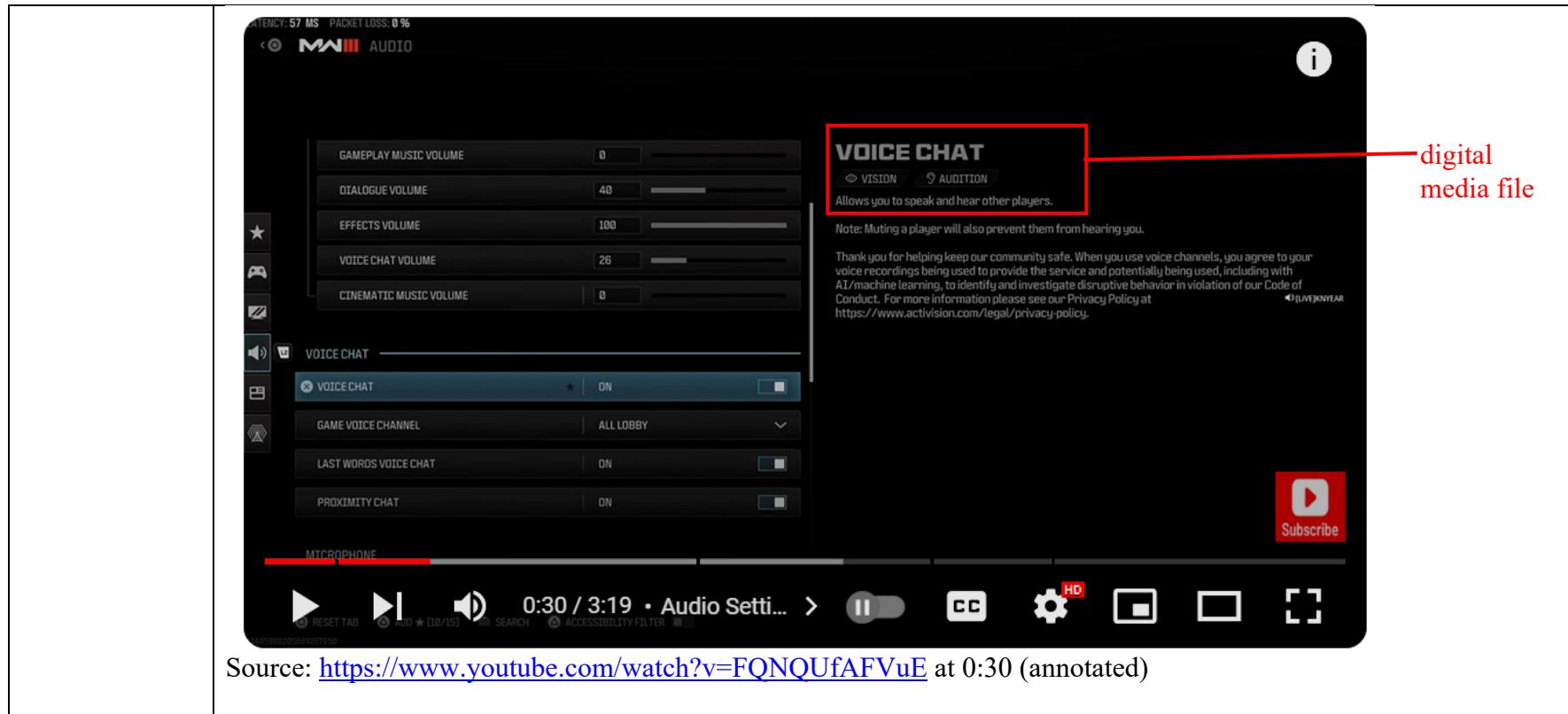
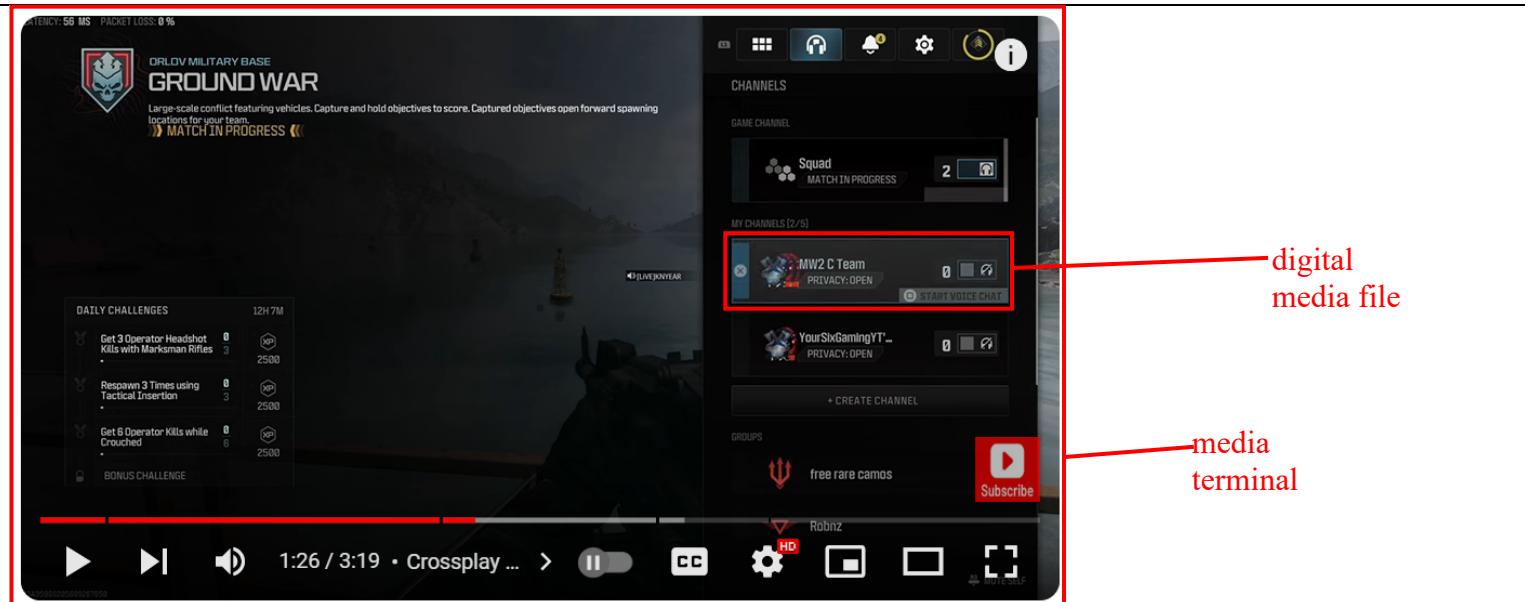


Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

1. Why has Call of Duty added voice chat moderation?

Call of Duty's new voice moderation protects players by proactively identifying toxic behavior and enforcing the Call of Duty Code of Conduct, allowing our community to focus on the fun.

Player reporting is still valuable and available in game for players to communicate instances of toxic or disruptive behavior they may encounter; however, voice chat moderation will increase our ability to identify and enforce against bad behavior that has gone unreported.

Source: <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>

Exhibit D to the Complaint.

	<p>⌚ 2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <u>Code of Conduct</u>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: https://support.activision.com/articles/call-of-duty-voice-chat-moderation</p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans</u> that many <i>Call of Duty</i> players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[1.8] said communication link is structured to bypass at least one media terminal security measure.	<p>Company makes, uses, sells and/or offers to sell said communication link is structured to bypass at least one media terminal security measure.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop and the server do not require users to input the email and the password ("security measure") every time they communicate. Instead, the email and password input are necessary during the initial connection process, and thereafter, the devices automatically exchange data without requiring users to re-enter the</p>

Exhibit D to the Complaint.

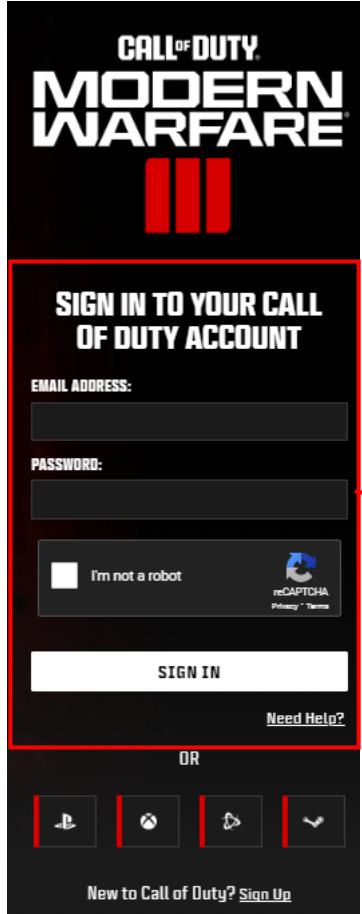
	<p>email and password ("bypassing the security measure"). Therefore, upon information and belief, the communication link is structured to bypass at least one media terminal security measure.</p>  <p>The image shows the sign-in screen for Call of Duty: Modern Warfare III. At the top is the game's logo. Below it is a red-bordered box containing fields for 'EMAIL ADDRESS' and 'PASSWORD', followed by a reCAPTCHA checkbox labeled 'I'm not a robot'. A red arrow points from this box to the text 'media terminal security measure'. Below the red box is a 'SIGN IN' button and a 'Need Help?' link. Underneath is an 'OR' button, followed by four small icons for different platforms. At the bottom is a 'New to Call of Duty? Sign Up' link.</p> <p>Source: https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt (annotated)</p>
--	---

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

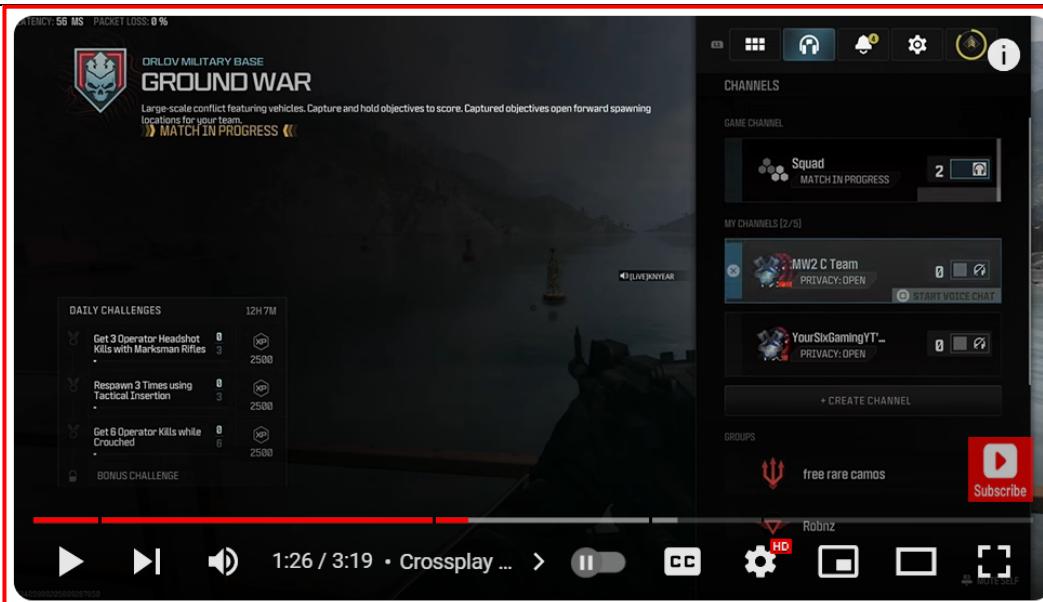
Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

<p>[6] The digital media communication protocol recited in claim 1 wherein said digital media file is initially disposed on said at least one media terminal.</p>	<p>Company makes, uses, sells and/or offers to sell said digital media file is initially disposed on said at least one media terminal.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop ("media terminal") sends voice chats ("digital media file") to the server and the server stores the voice chats. Therefore, upon information and belief, the digital media file is initially disposed on the player's PC or laptop.</p>
---	--

Exhibit D to the Complaint.

⌚ 2. How does Call of Duty's voice chat moderation work?

Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select *Call of Duty* titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the *Call of Duty* **Code of Conduct**.

Call of Duty's Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the *Call of Duty* Code of Conduct are subject to account enforcement.

Source: <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>

One can only hope that the ToxMod rollout is successful and doesn't result in unfair bans that many *Call of Duty* players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.

Source: <https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.

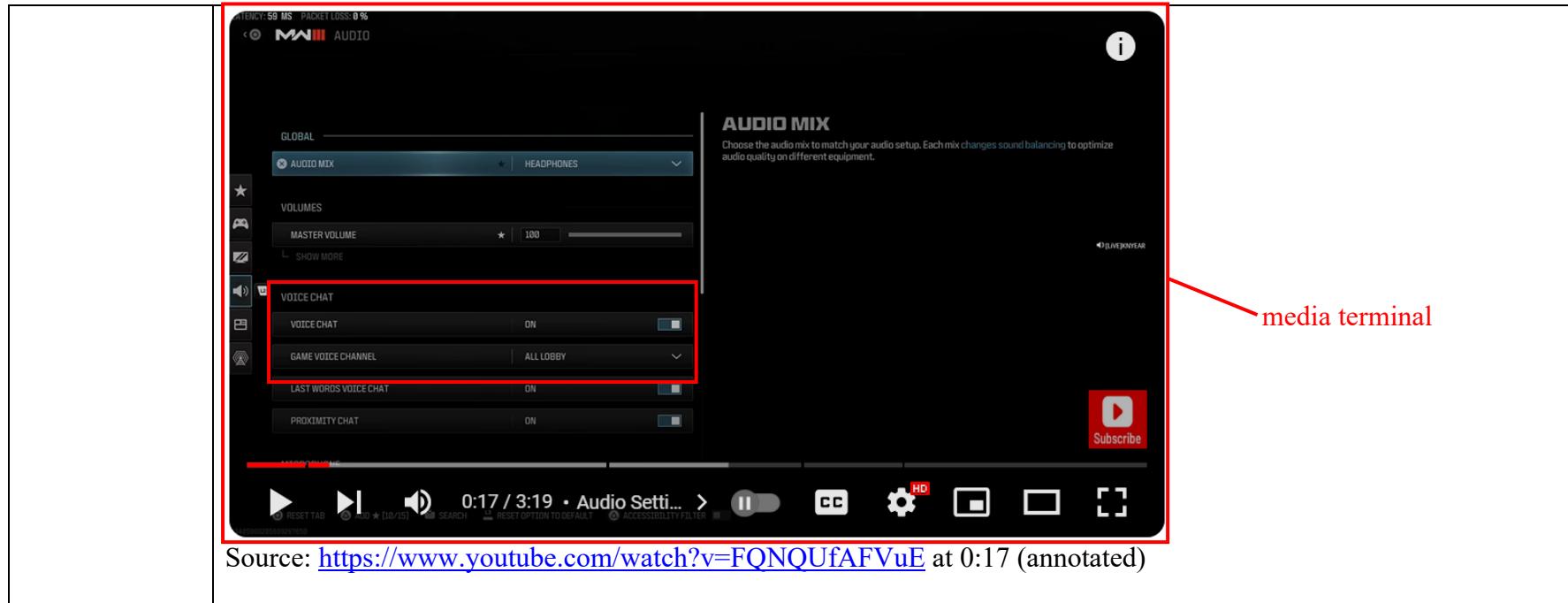


Exhibit D to the Complaint.

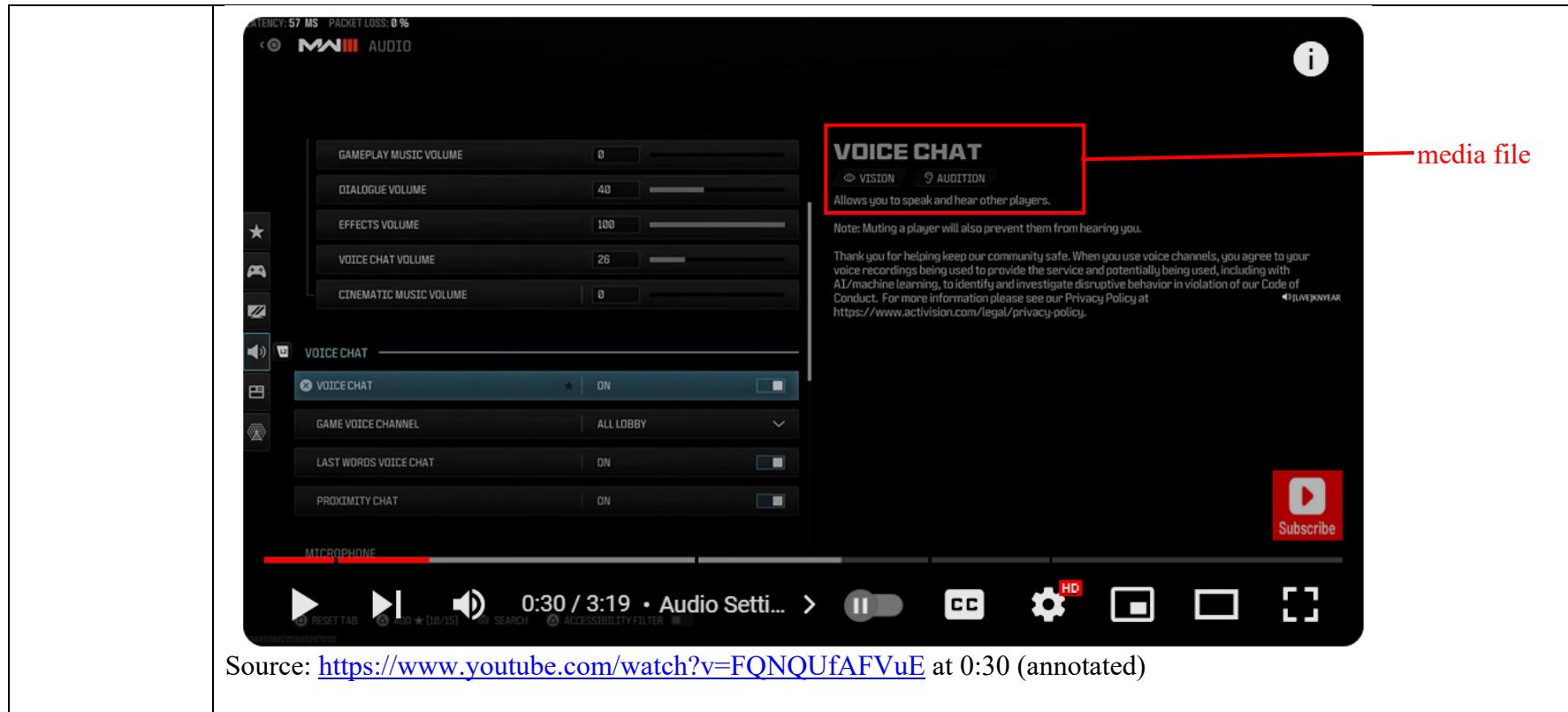


Exhibit D to the Complaint.

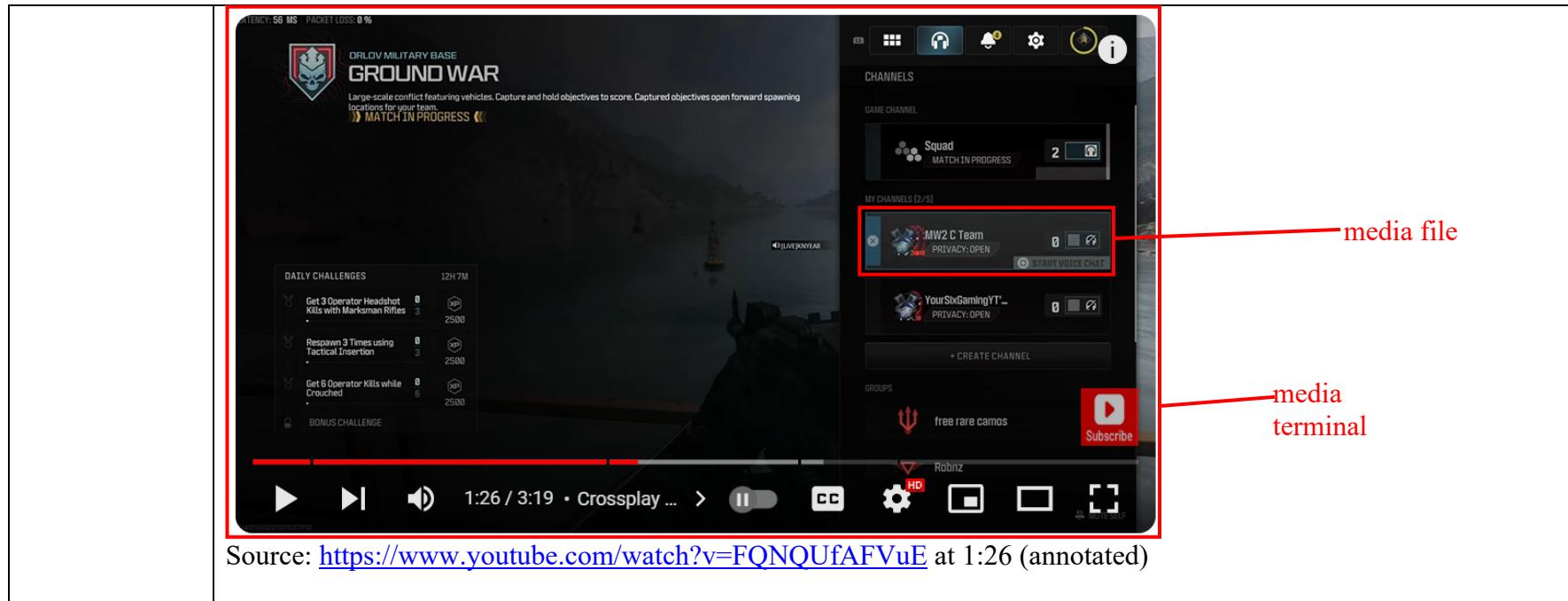


Exhibit D to the Complaint.

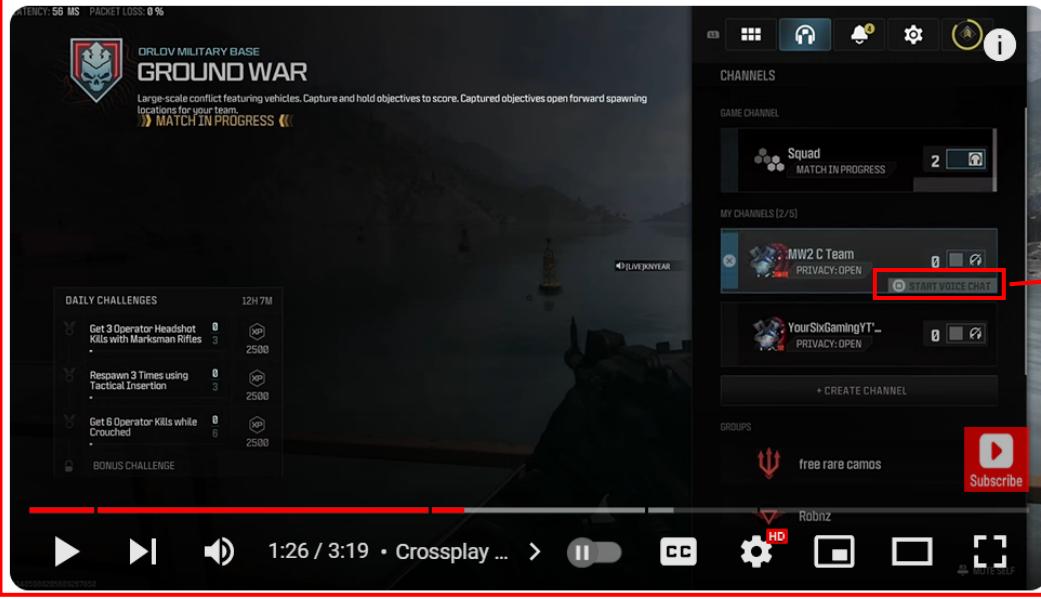
	 <p>display digital media file</p> <p>media terminal</p> <p>Source: https://www.youtube.com/watch?v=FQNQUfAFVuE at 1:26 (annotated)</p>
[7] The digital media communication protocol recited in claim 6 wherein said at least one media terminal is structured to transmit said at least one digital media file to	<p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p> <p>Company makes, uses, sells and/or offers to sell said at least one media terminal is structured to transmit said at least one digital media file to said at least one media node via said communication link.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop ("media terminal") utilizes the established communication channel to send ("transmit") voice chats ("digital media file") to the server ("media node").</p>

Exhibit D to the Complaint.

said at least one media node via said communication link.	<p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p>
	<p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: (annotated)</p> <p>Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.</p> <p>Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.</p> <p>Source: https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide</p>

media terminal

Exhibit D to the Complaint.

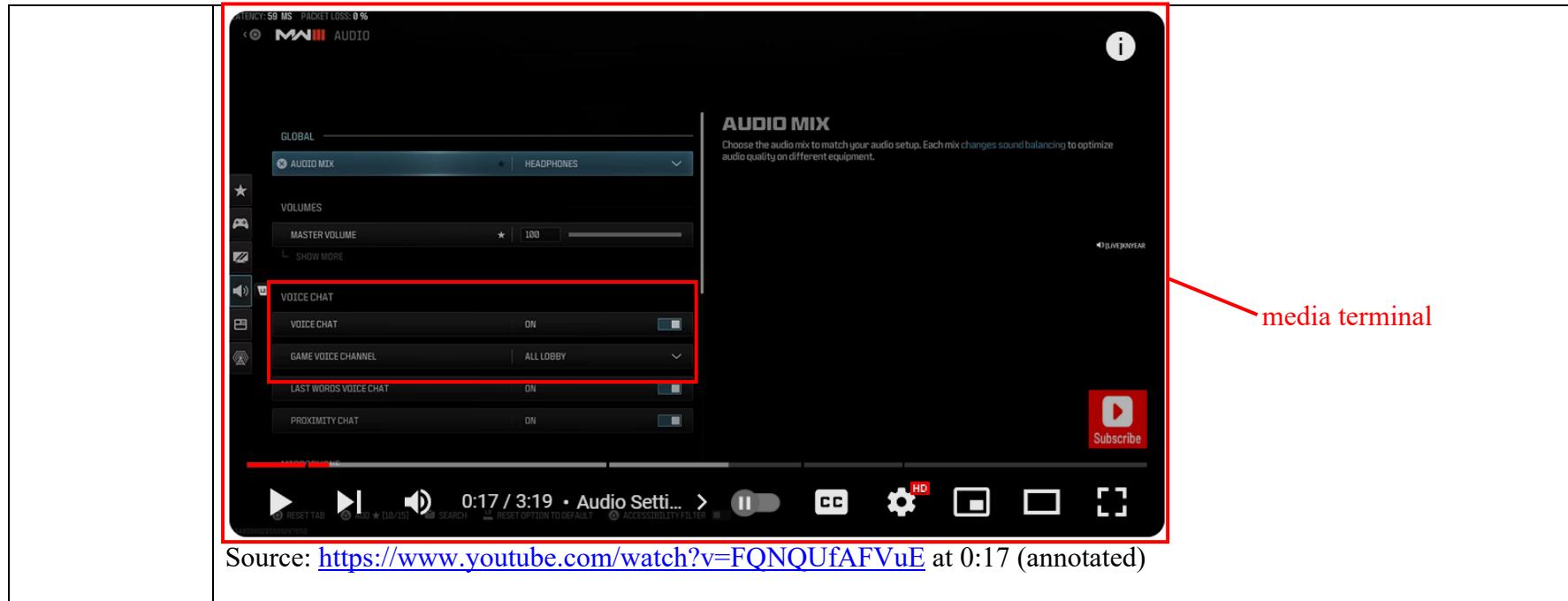


Exhibit D to the Complaint.

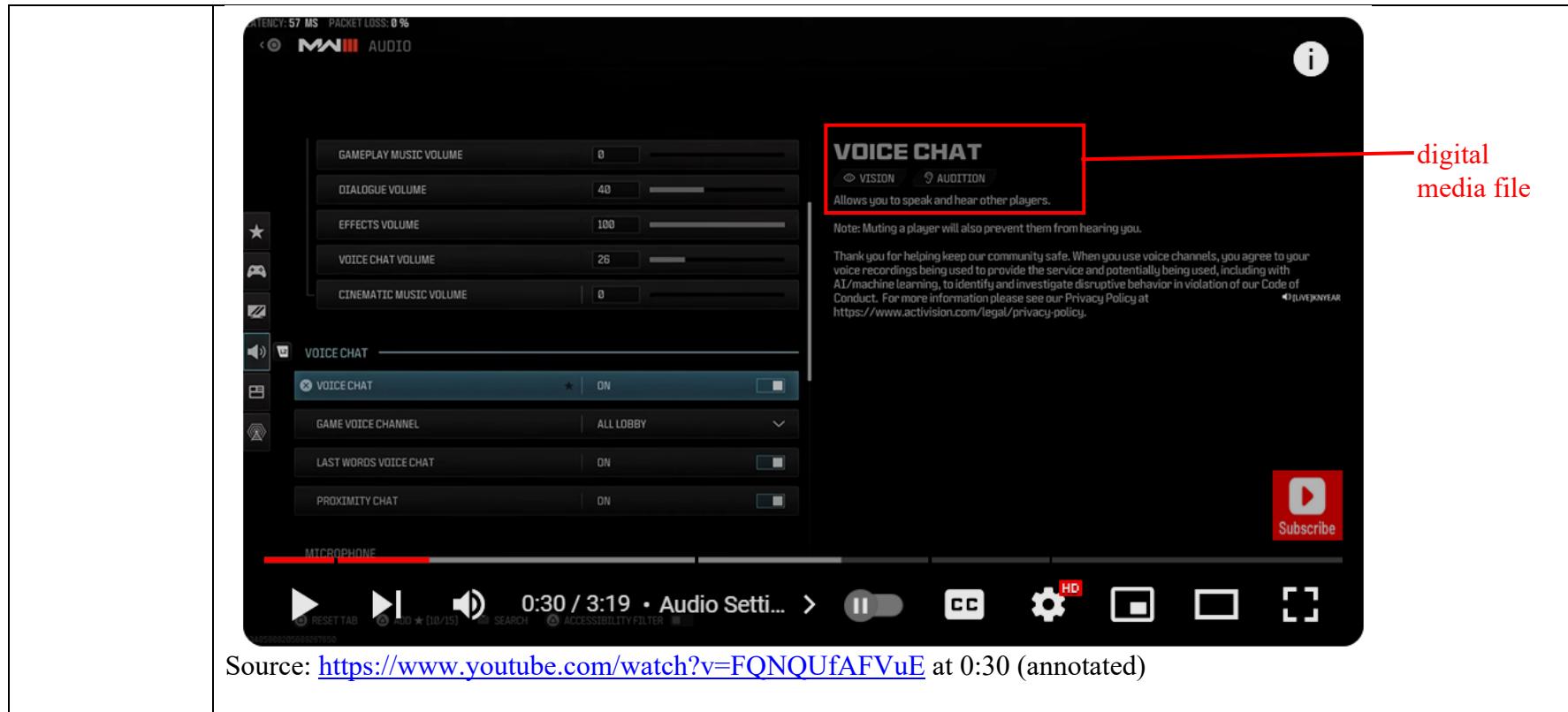
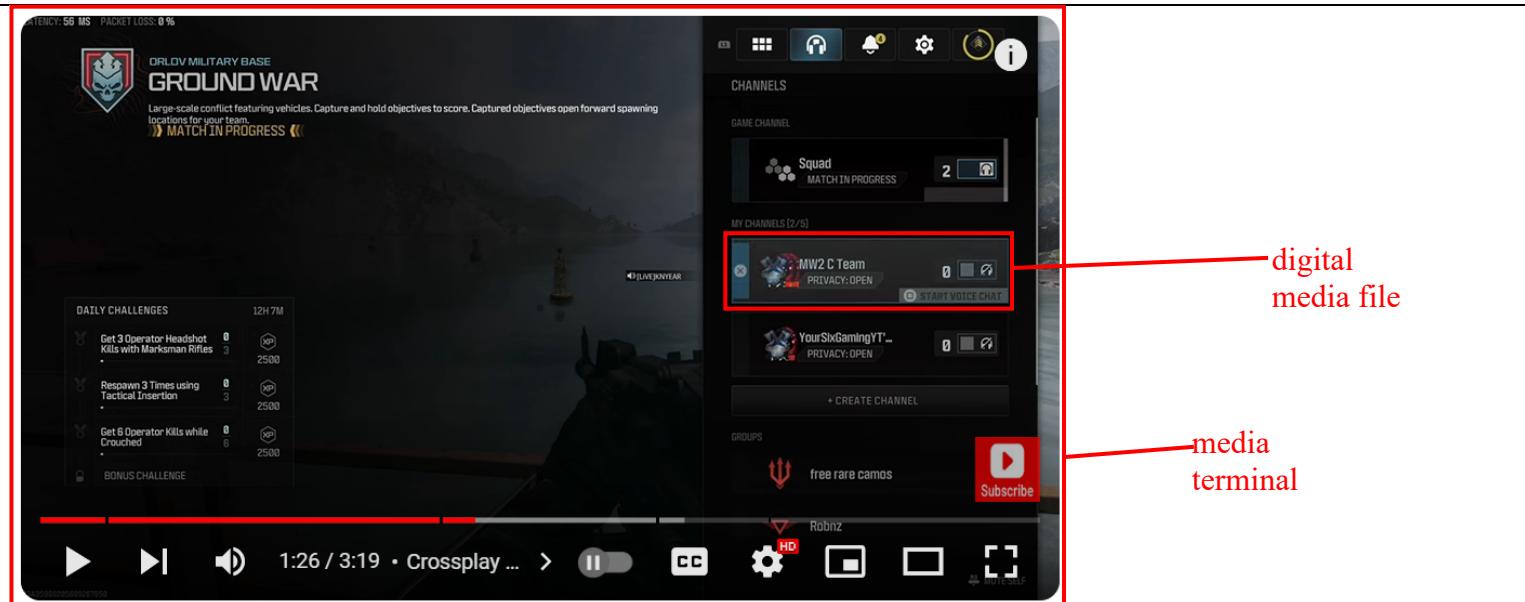


Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

1. Why has Call of Duty added voice chat moderation?

Call of Duty's new voice moderation protects players by proactively identifying toxic behavior and enforcing the Call of Duty Code of Conduct, allowing our community to focus on the fun.

Player reporting is still valuable and available in game for players to communicate instances of toxic or disruptive behavior they may encounter; however, voice chat moderation will increase our ability to identify and enforce against bad behavior that has gone unreported.

Source: <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>

Exhibit D to the Complaint.

	<p>⌚ 2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <u>Code of Conduct</u>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: https://support.activision.com/articles/call-of-duty-voice-chat-moderation</p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans</u> that many <i>Call of Duty</i> players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[9] The digital media communication protocol recited in claim 6 wherein said at least one media node is structured to	<p>Activision Publishing, Inc. ("Company") makes, uses, sells and/or offers to sell said at least one media node is structured to store said at least one digital media file.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the server ("media node") store voice chats ("digital media file") received from the player's PC or laptop using a wireless connection.</p>

Exhibit D to the Complaint.

<p>store said at least one digital media file.</p>	<p>⌚ 2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <u>Code of Conduct</u>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: https://support.activision.com/articles/call-of-duty-voice-chat-moderation</p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans</u> that many <i>Call of Duty</i> players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[17.P] A digital media communication protocol, comprising</p>	<p>Activision Publishing, Inc. ("Company") makes, uses, sells and/or offers to sell a digital media communication protocol.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the Company provides Call of Duty: Modern Warfare III, an internet-based game featuring Voice Chat. Voice Chat enables players to communicate with their friends through a wireless connection. Furthermore, Voice Chat includes a Voice Chat Moderation feature, wherein voice chats are sent to the Activision server via a wireless internet connection ("digital media communication protocol").</p>

Exhibit D to the Complaint.



Source: <https://www.callofduty.com/>

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

All specifications below require a broadband internet connection and DirectX 12 compatibility.

Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: <https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii>

Exhibit D to the Complaint.

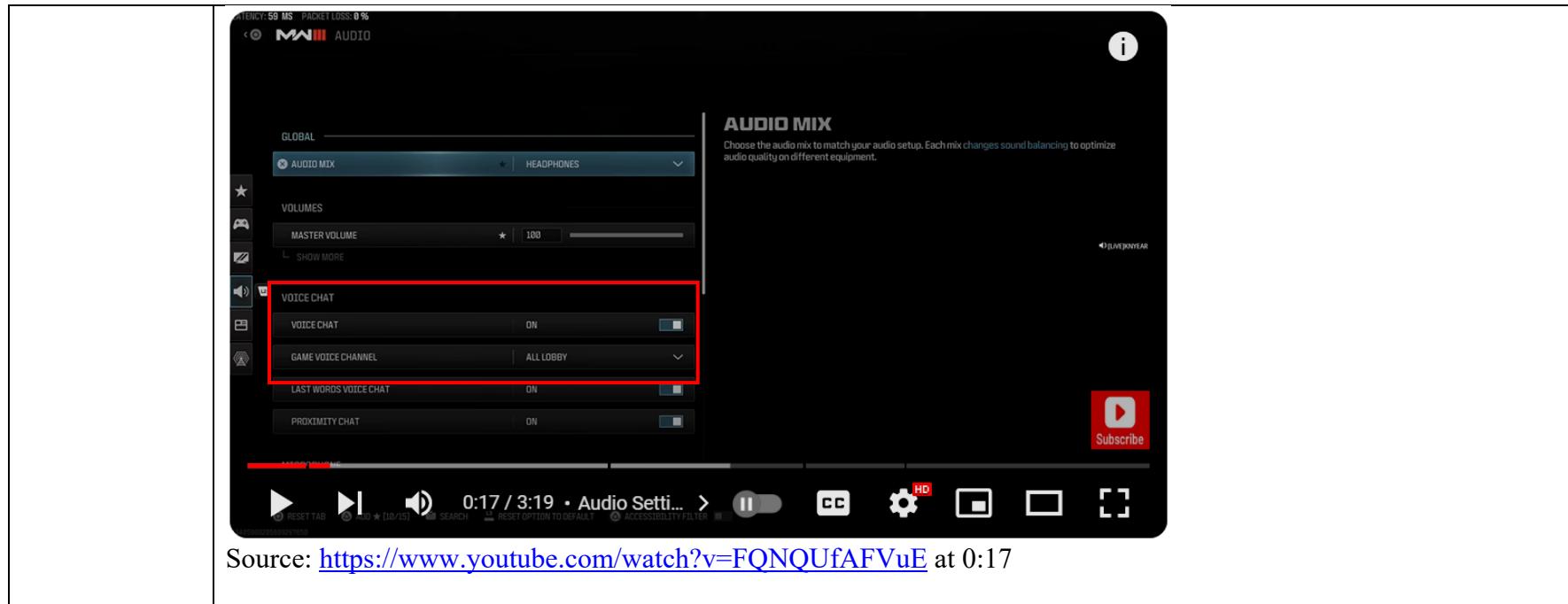


Exhibit D to the Complaint.

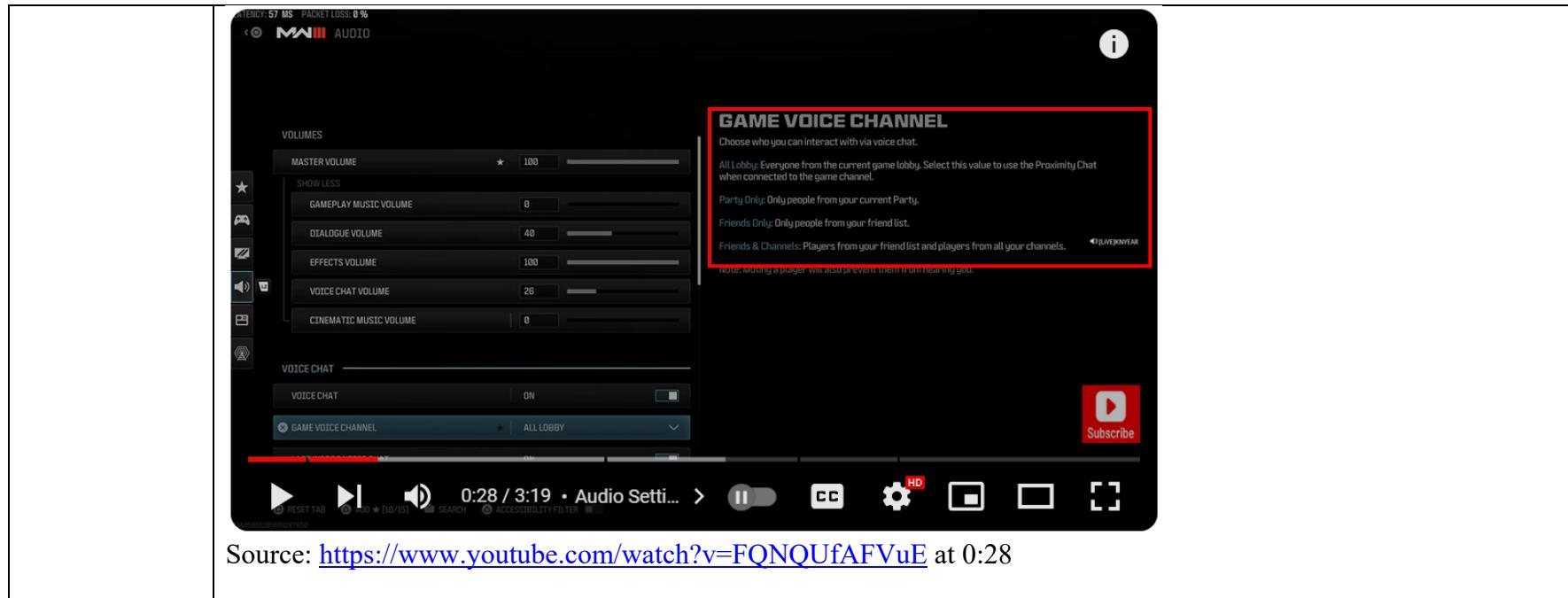


Exhibit D to the Complaint.

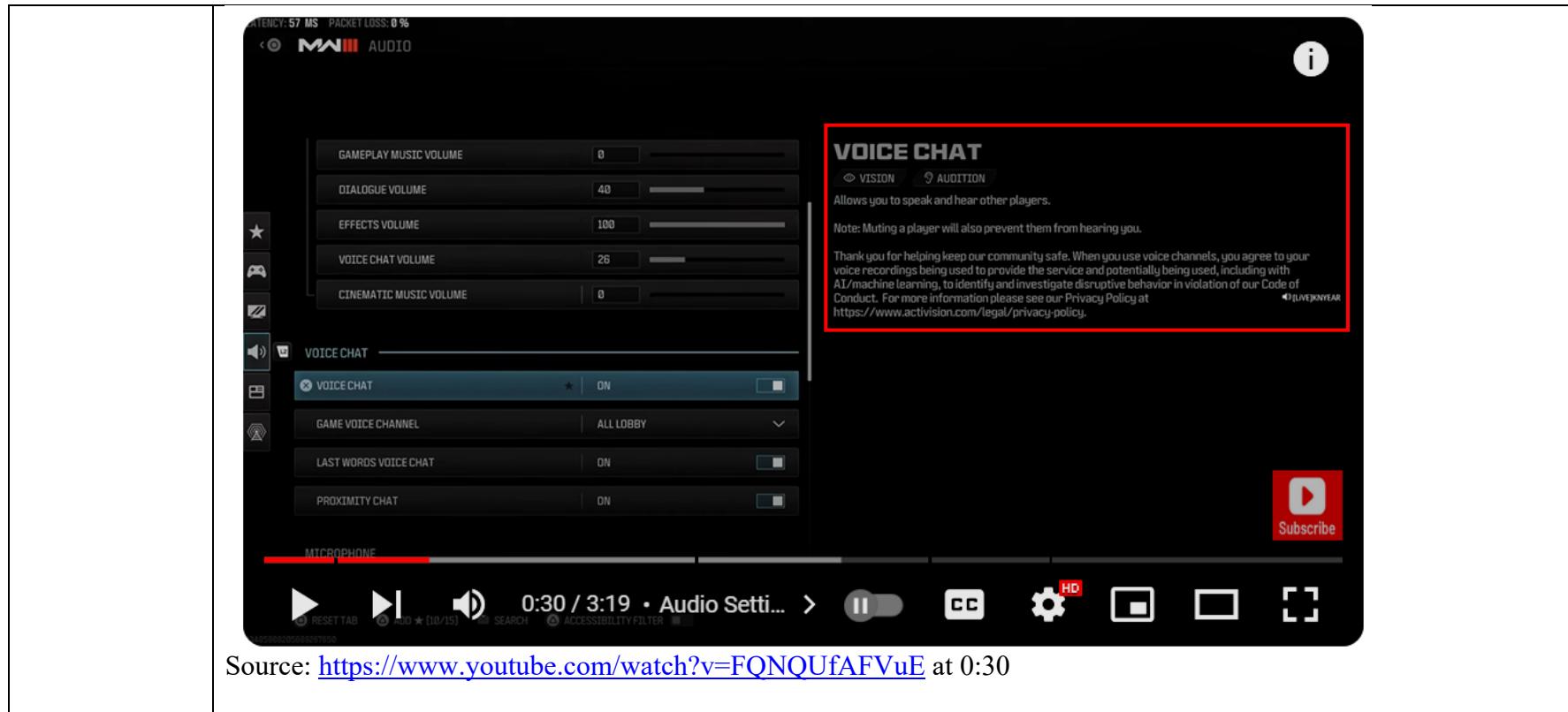


Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Exhibit D to the Complaint.

	<p>Source: https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</p> <p>❶ 1. Why has Call of Duty added voice chat moderation?</p> <p><i>Call of Duty®'s new voice moderation protects players by proactively identifying toxic behavior and enforcing the <i>Call of Duty</i> <u>Code of Conduct</u>, allowing our community to focus on the fun.</i></p> <p>Player reporting is still valuable and available in game for players to communicate instances of toxic or disruptive behavior they may encounter; however, voice chat moderation will increase our ability to identify and enforce against bad behavior that has gone unreported.</p> <p>Source: https://support.activision.com/articles/call-of-duty-voice-chat-moderation</p> <p>❷ 2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <u>Code of Conduct</u>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: https://support.activision.com/articles/call-of-duty-voice-chat-moderation</p>
--	---

Exhibit D to the Complaint.

	<p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[17.1] at least one media terminal and at least one media node disposed in an accessible relation with at least one inter active computer network,	<p>Company makes, uses, sells and/or offers to sell at least one media terminal and at least one media node disposed in an accessible relation with at least one inter active computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, Call of Duty: Modern Warfare is accessible on both PCs and laptops, with the game installed on the player's personal computer or laptop ("media terminal"). Players engage in communication with one another through the Voice Chat feature. When a player utilizes Voice Chat, their voice chats are transmitted from their PC or laptop to the Activision server ("media node") via a wireless internet connection ("interactive computer network"). Given that players need to connect to a wireless internet connection for both playing the game and engaging in voice chat communication, it is apparent that the player's PC or laptop and the Activision server are disposed in an accessible relation with at least one inter active computer network.</p>

Exhibit D to the Complaint.

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

All specifications below require a broadband internet connection and DirectX 12 compatibility.

Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: [https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-\(annotated\)](https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-(annotated))

media
terminal

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

interactive
computer
network

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii> (annotated)

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Exhibit D to the Complaint.

	<p>Source: https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[17.2] at least one digital media file initially disposed on at least one of said media terminal or said media node, said at least one media terminal structured to detect said at least one media node,	<p>Company makes, uses, sells and/or offers to sell at least one digital media file initially disposed on at least one of said media terminal or said media node, said at least one media terminal structured to detect said at least one media node.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop ("media terminal") sends voice chats ("digital media file") to the server ("media node") through the wireless connection. Therefore, upon information and belief, the digital media file is initially disposed on the sender's platform ("media terminal"). It would be apparent to a person of ordinary skill in the art that the sender's platform ("media terminal") is structured to detect at least one media node.</p> <p>2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. <u>Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> Code of Conduct.</u></p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: https://support.activision.com/articles/call-of-duty-voice-chat-moderation</p>

Exhibit D to the Complaint.

One can only hope that the ToxMod rollout is successful and doesn't result in unfair bans that many *Call of Duty* players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.

Source: <https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/>

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

media terminal

All specifications below require a broadband internet connection and DirectX 12 compatibility.

Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: [\(annotated\)](https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii)

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.

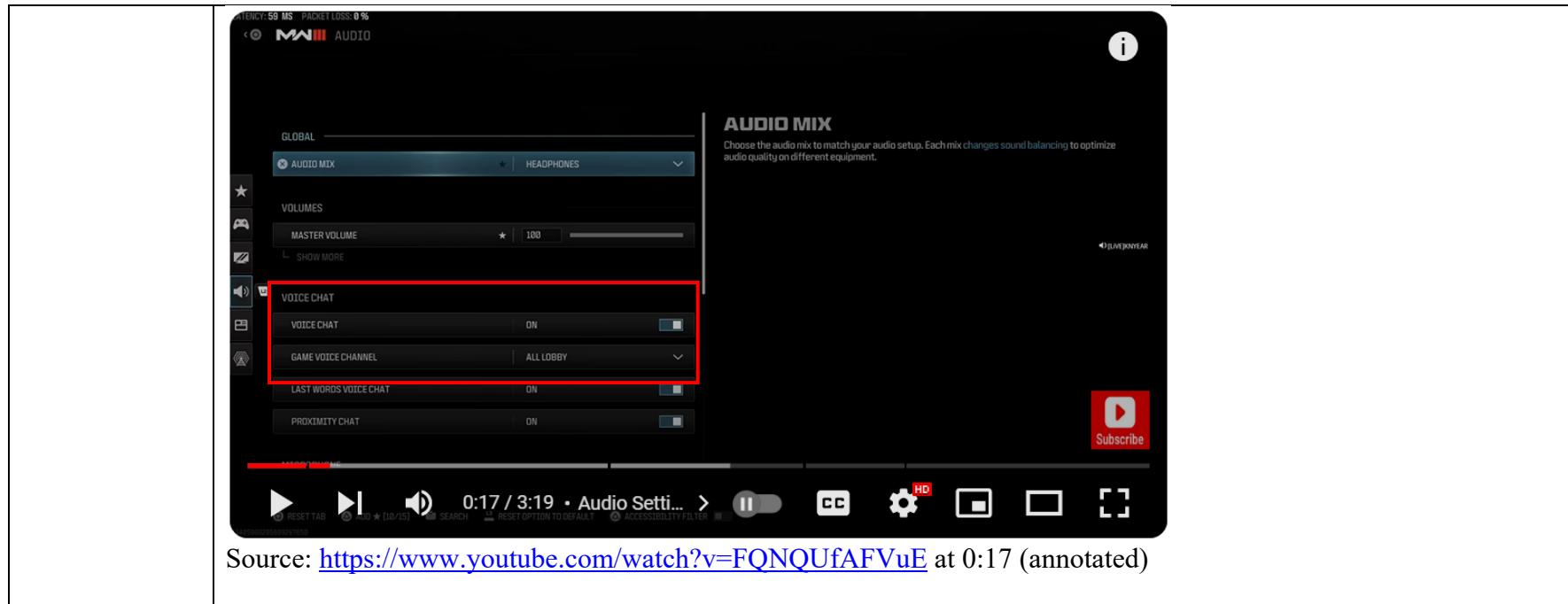
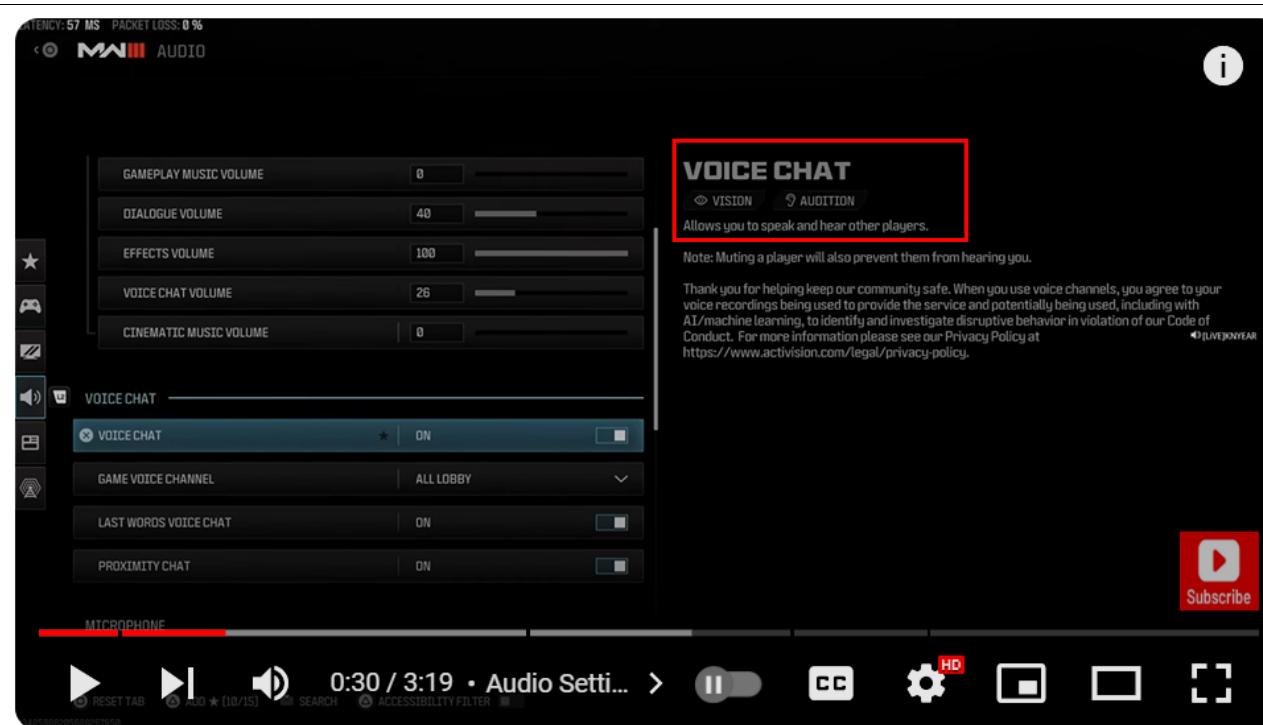


Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30 (annotated)

Exhibit D to the Complaint.

	<p>Source: https://www.youtube.com/watch?v=FQNQUfAFVuE at 1:26 (annotated)</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[17.3] a communication link structured to dispose said at least one media terminal and said at least one media node in a communicative relation with	<p>Company makes, uses, sells and/or offers to sell a communication link structured to dispose said at least one media terminal and said at least one media node in a communicative relation with one another via said inter active computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, once connected to the wireless internet, the player initiates the login process to their Activision account using their PC or laptop ("media terminal"). This involves entering login credentials such as email and password through the wireless connection ("one interactive computer network"). Consequently, this procedure establishes a communication channel ("a communication link structured to dispose") between the player's PC or laptop and the Activision server ("media node").</p>

Exhibit D to the Complaint.

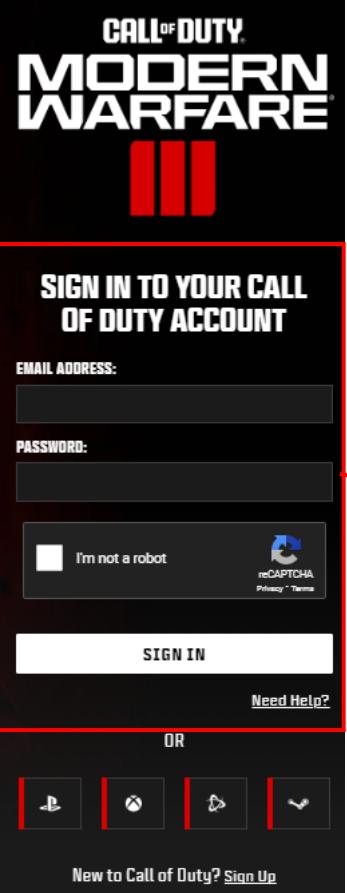
one another via said interactive computer network,	 <p>The image shows the sign-in page for the Call of Duty: Modern Warfare III game. The page has a black background with white text. At the top, it says "CALL OF DUTY. MODERN WARFARE III". Below that is a red-bordered box containing the text "SIGN IN TO YOUR CALL OF DUTY ACCOUNT". Inside this box are fields for "EMAIL ADDRESS" and "PASSWORD", each with a corresponding input field. Below the password field is a reCAPTCHA checkbox labeled "I'm not a robot". A red arrow points from this text to the "reCAPTCHA" area. Below the input fields is a "SIGN IN" button and a "Need Help?" link. Underneath the input fields, there is a "OR" button followed by four social media icons: PlayStation, Xbox, Facebook, and Twitter. At the bottom, there is a link "New to Call of Duty? Sign Up".</p>	<p>sender login to sender's platform</p> <p>Source: https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt (annotated)</p>
---	--	---

Exhibit D to the Complaint.

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

media
terminal

All specifications below require a broadband internet connection and DirectX 12 compatibility.

Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: [https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-\(annotated\)](https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-(annotated))

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

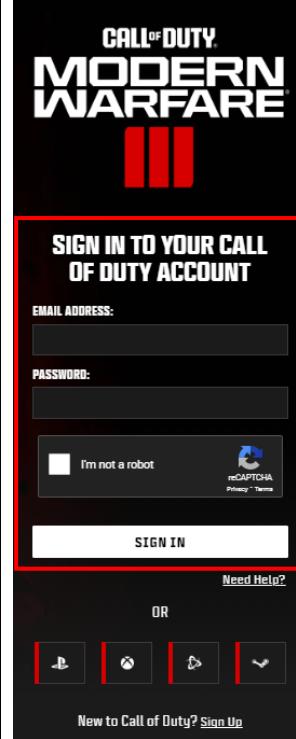
Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

One can only hope that the ToxMod rollout is successful and doesn't result in unfair bans that many *Call of Duty* players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.

Source: <https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/>

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

Exhibit D to the Complaint.

<p>[17.4] said communication link being initiated by said at least one media terminal,</p>	<p>Company makes, uses, sells and/or offers to sell said communication link being initiated by said at least one media terminal.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop initiates login process by inputting the login credentials such as email and password. This process established the communication channel between the player's PC or laptop and the server.</p>  <p>SIGN IN TO YOUR CALL OF DUTY ACCOUNT</p> <p>EMAIL ADDRESS: <input type="text"/></p> <p>PASSWORD: <input type="password"/></p> <p><input type="checkbox"/> I'm not a robot <small>mCaptcha</small></p> <p>SIGN IN</p> <p><small>Need Help?</small></p> <p>OR</p> <p><small>New to Call of Duty? Sign Up</small></p>
--	---

Source:

<https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt>
(annotated)

Exhibit D to the Complaint.

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

media terminal

All specifications below require a broadband internet connection and DirectX 12 compatibility.

Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: [https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-\(annotated\)](https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii-(annotated))

Exhibit D to the Complaint.

	<p>If you're having trouble connecting to <i>Call of Duty: Modern Warfare III</i>, you should first check <u>Call of Duty: Modern Warfare III Server Status</u>.</p> <p>If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.</p> <p>However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.</p> <div style="background-color: #0072BD; color: white; padding: 10px; border-radius: 5px;"> <p>We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.</p> </div> <p>Source: https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[17.5] said at least one media node and said at least one media terminal structured to transmit said at least one digital media file therebetween	<p>Company makes, uses, sells and/or offers to sell said at least one media node and said at least one media terminal structured to transmit said at least one digital media file therebetween via said communication link.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, in Voice Chat Moderation feature, the player's PC or laptop ("media terminal") utilizes the established communication channel to send ("transmit") voice chats ("digital media file") to the server ("media node").</p>

Exhibit D to the Complaint.

via said communication link, wherein	<p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: (annotated)</p>
---	---

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.

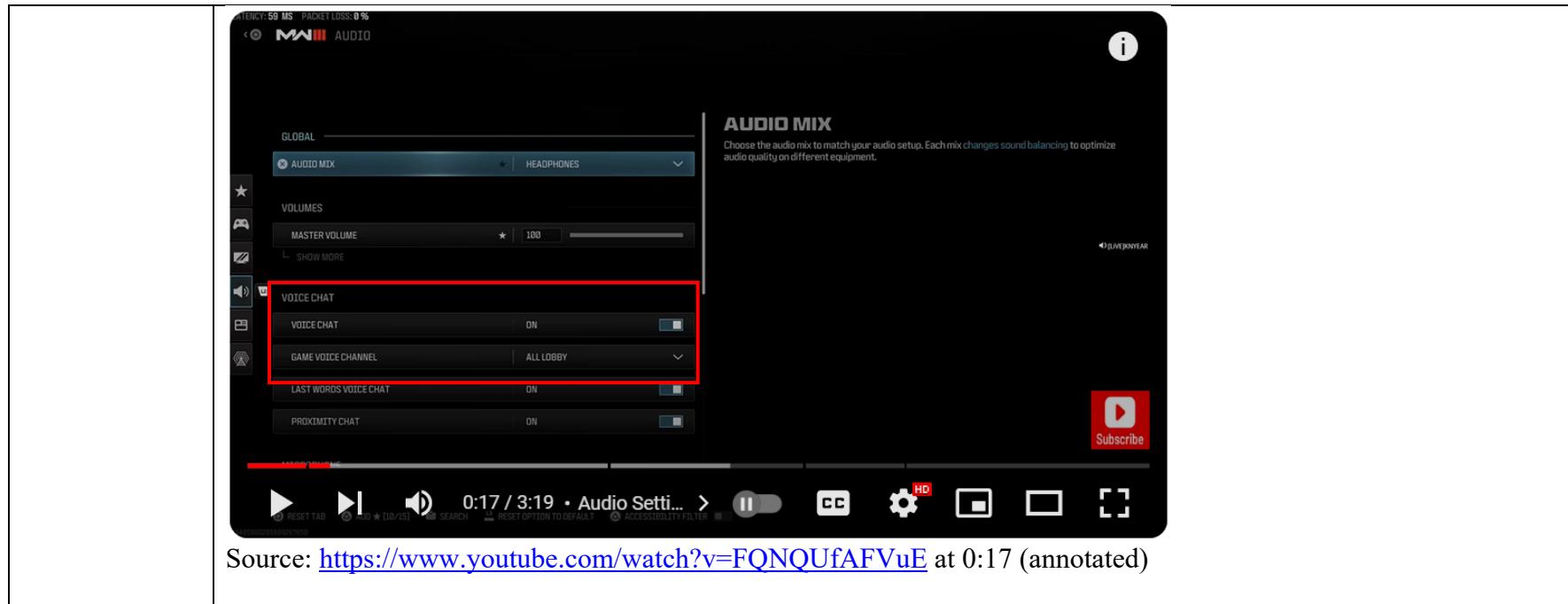
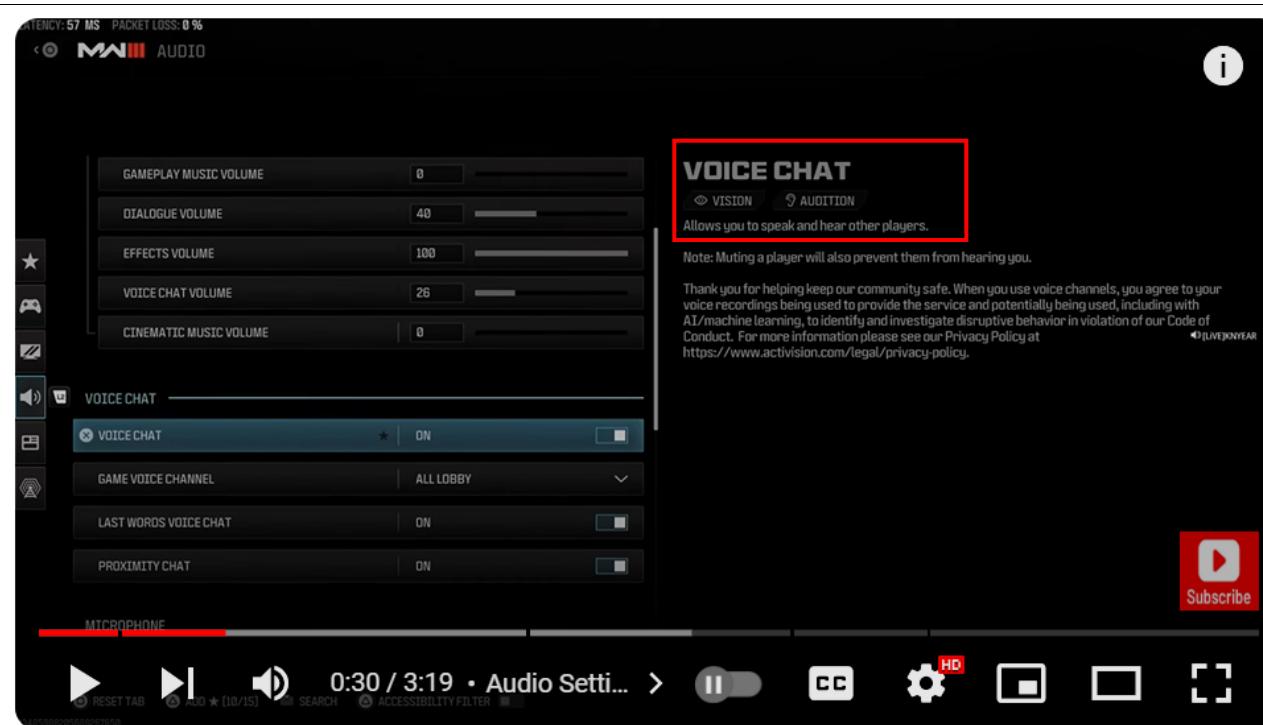
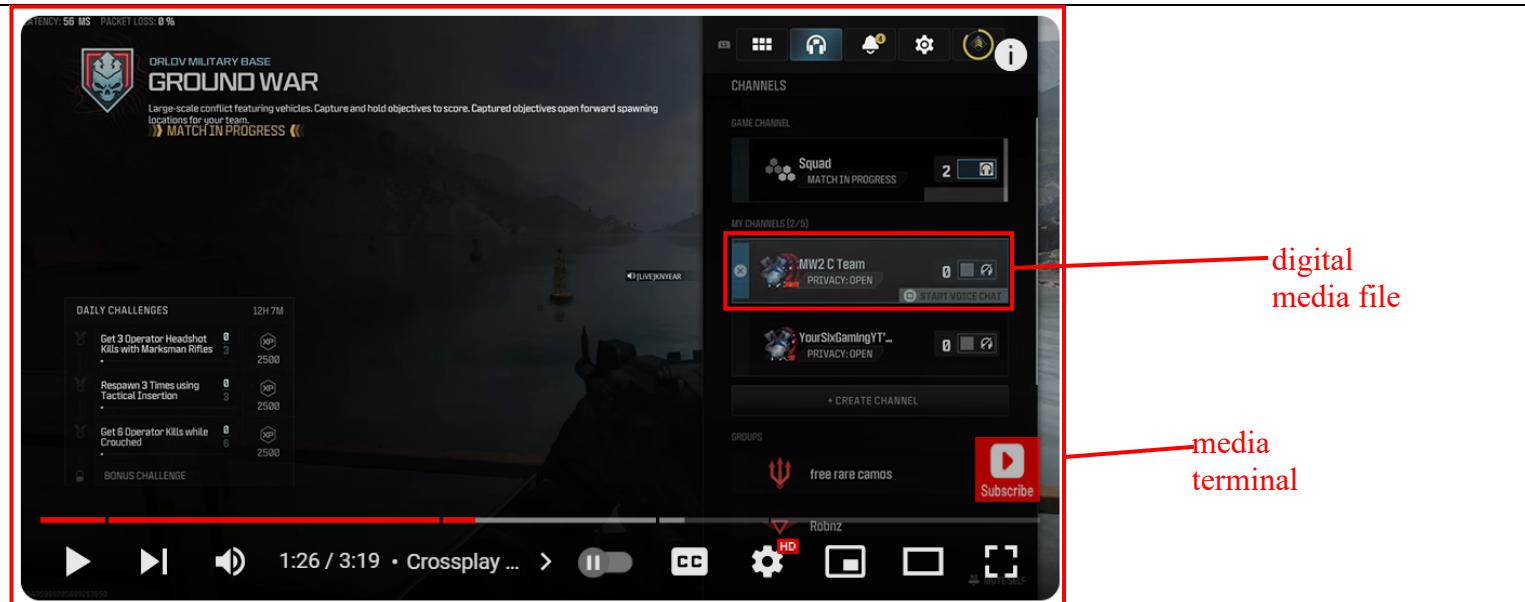


Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30 (annotated)

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

1. Why has Call of Duty added voice chat moderation?

Call of Duty's new voice moderation protects players by proactively identifying toxic behavior and enforcing the Call of Duty Code of Conduct, allowing our community to focus on the fun.

Player reporting is still valuable and available in game for players to communicate instances of toxic or disruptive behavior they may encounter; however, voice chat moderation will increase our ability to identify and enforce against bad behavior that has gone unreported.

Source: <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>

Exhibit D to the Complaint.

	<p>⌚ 2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <u>Code of Conduct</u>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: https://support.activision.com/articles/call-of-duty-voice-chat-moderation</p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans</u> that many <i>Call of Duty</i> players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[17.6] said communication link is structured to bypass at least one media terminal security measure.	<p>Company makes, uses, sells and/or offers to sell said communication link is structured to bypass at least one media terminal security measure.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop and the server do not require users to input the email and the password ("security measure") every time they communicate. Instead, the email and password input are necessary during the initial connection process, and thereafter, the devices automatically exchange data without requiring users to re-enter the</p>

Exhibit D to the Complaint.

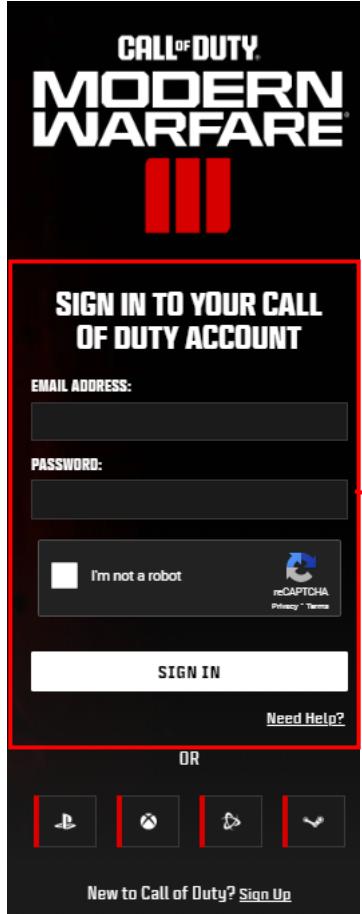
	<p>email and password ("bypass at least one media terminal security measure"). Therefore, upon information and belief, the communication link is structured to bypass at least one media terminal security measure.</p>  <p>The image shows the sign-in page for Call of Duty: Modern Warfare III. At the top, it says "CALL OF DUTY. MODERN WARFARE III". Below that is a red box containing the text "SIGN IN TO YOUR CALL OF DUTY ACCOUNT". Inside this box are fields for "EMAIL ADDRESS" and "PASSWORD", both of which are currently blacked out. Below these fields is a reCAPTCHA checkbox labeled "I'm not a robot" with the "reCAPTCHA" logo and links for "Privacy" and "Terms". A red arrow points from the text "media terminal security measure" to this reCAPTCHA area. Below the red box is a "SIGN IN" button and a "Need Help?" link. Underneath the sign-in section is the word "OR" followed by four small icons representing different platforms or services. At the bottom, it says "New to Call of Duty? Sign Up".</p> <p>Source: https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt (annotated)</p>
--	---

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check [Call of Duty: Modern Warfare III Server Status](#).

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.

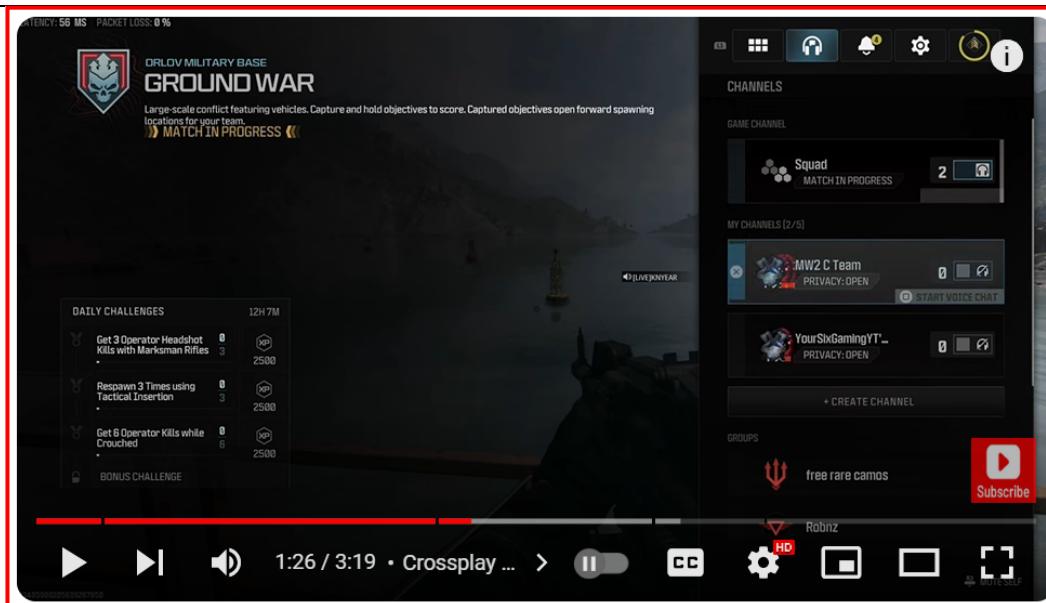
Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

<p>[18] The digital media communication protocol recited in claim 17 further comprising a wireless range structured to permit authorized access to said at</p>	<p>Company makes, uses, sells and/or offers to sell a wireless range structured to permit authorized access to said at least one interactive computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's personal computer or laptop logs in to the router using its login credentials ("authorized access") for establishing wireless connection to the wireless internet ("interactive computer network"). As wireless routers inherently possess a specified range, therefore, it is apparent to a person having ordinary skill in the art that a wireless range is structured to permit authorized access to at least one interactive computer network.</p>
--	--

Exhibit D to the Complaint.

least interactive computer network. one	<p>If you're having trouble connecting to <i>Call of Duty: Modern Warfare III</i>, you should first check <u>Call of Duty: Modern Warfare III Server Status</u>.</p> <p>If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.</p> <p>However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.</p> <div data-bbox="445 605 1727 910" style="background-color: #0072BD; color: white; padding: 10px;"><p>We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.</p></div> <p>Source: https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</p> <p>The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.</p> <p>These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.</p> <p>You may not need to perform all of these tests, so be sure to test the game after attempting each one.</p> <p>If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.</p>
--	--

Exhibit D to the Complaint.

	<p>Source: https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</p> <p>Call of Duty is taking the next leap forward in its commitment to combat toxic and disruptive behavior with in-game voice chat moderation beginning with the launch of <i>Call of Duty®: Modern Warfare® III</i> this November 10th. Activision will team with Modulate to deliver global real-time voice chat moderation, at-scale, starting with this fall's upcoming Call of Duty blockbuster.</p> <p>Call of Duty's new voice chat moderation system utilizes ToxMod, the AI-Powered voice chat moderation technology from Modulate, to identify in real-time and enforce against toxic speech—including hate speech, discriminatory language, harassment and more. This new development will bolster the ongoing moderation systems led by the Call of Duty anti-toxicity team, which includes text-based filtering across 14 languages for in-game text (chat and usernames) as well as a robust in-game player reporting system.</p>
	<p>Source: https://www.callofduty.com/blog/2023/08/call-of-duty-modern-warfare-warzone-anti-toxicity-progress-report</p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans</u> that many <i>Call of Duty</i> players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p>
[19] The digital media	<p>Source: https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p> <p>Company makes, uses, sells and/or offers to sell said at least one media node is disposable within said wireless range and detectable by said at least one media terminal.</p>

Exhibit D to the Complaint.

<p>communication protocol recited in claim 18 wherein said at least one media node is disposable within said wireless range and detectable by said at least one media terminal.</p>	<p>This element is infringed literally, or in the alternative, under the doctrine of equivalents. For example, the player establishes a connection to the wireless internet by logging into any local wireless router. Subsequently, during gameplay, the player's PC or laptop ("media terminal") transmits voice chats to the Activision server ("media node") through the established wireless connection. Given that wireless routers have a defined range and the player's device connects to it before initiating an internet connection, it follows that the player's PC or laptop communicates with the Activision server. Therefore, upon information and belief, the server is disposed within said wireless range and it is detectable by the player's PC or laptop.</p> <p>If you're having trouble connecting to <i>Call of Duty: Modern Warfare III</i>, you should first check <u>Call of Duty: Modern Warfare III Server Status</u>. If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational. However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.</p> <div style="background-color: #0072BD; color: white; padding: 10px; border-radius: 5px;"> <p>We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.</p> </div> <p>Source: https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</p>
---	--

Exhibit D to the Complaint.

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.

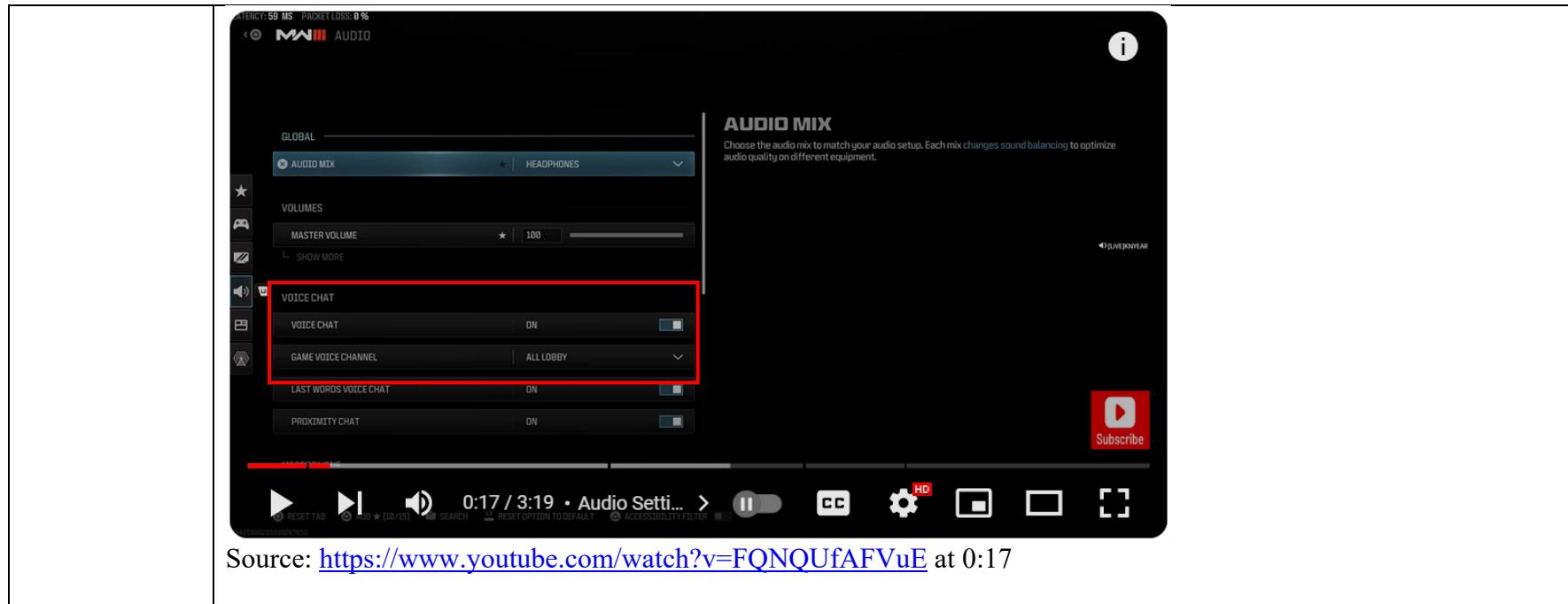


Exhibit D to the Complaint.

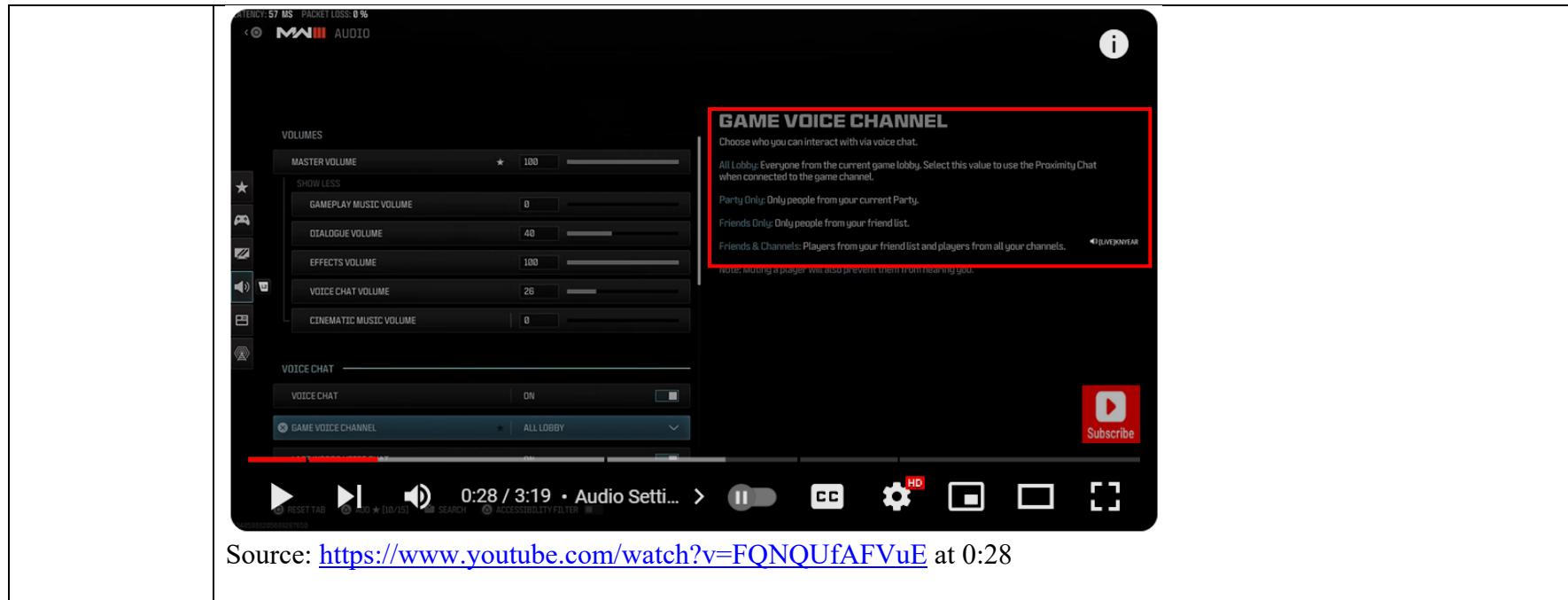
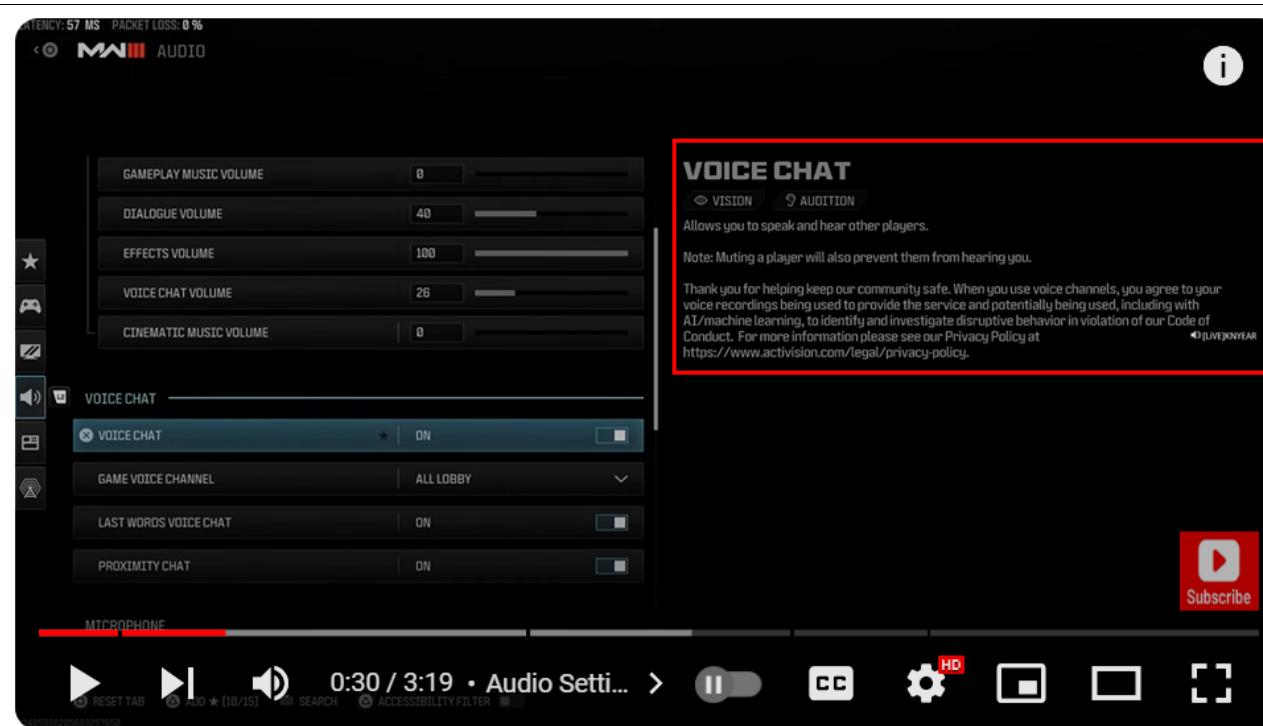


Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

Exhibit D to the Complaint.

2. List of References

1. <https://www.callofduty.com/>, last accessed on December 22, 2023.
2. <https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii>, last accessed on December 22, 2023.
3. <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>, last accessed on December 22, 2023.
4. <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>, last accessed on December 22, 2023.
5. <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>, last accessed on December 22, 2023.
6. <https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt>, last accessed on December 22, 2023.
7. <https://www.youtube.com/watch?v=FQNQUfAFVuE>, last accessed on December 22, 2023.